

URBAN/MUNICIPAL

CAY ON HBL A05

CSIP4

1994

AGENDA / MINUTES

PLANNING AND
DEVELOPMENT COMMITTEE

SEPT. 21, 1994

URBAN/MUNICIPAL

CAY ON HBL A05

CSIP4

1994



Urban Municipal Coll.
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 September 21

9:30 o'clock a.m.

Room 233, City Hall

URBAN MUNICIPAL

SEP 19 1994

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A

9:30 o'clock a.m.

PUBLIC MEETINGS

1. Zoning Application 94-17, Frank Ricci, prospective owner, for a change in zoning from "HH" District to "DE-3" District, modified, for lands located at No. 2535 King Street East
2. Zoning Application 94-21, U-Haul Co. of Canada Ltd., prospective owner, for a modification to the established "M-12" District regulations, for lands located at No.1088 Rymal Road East
3. COMMISSIONER OF PLANNING AND DEVELOPMENT AND DIRECTOR OF LOCAL PLANNING
 - (a) Bill 163 - Revisions to the Planning Act and other related Acts
 - (b) Monster Homes, City Initiative 94-C - Authorization for a Public Meeting

Page 2

Planning and Development Committee

Wednesday, 1994 September 21

4. LOT GRADING CONTROL

(a) City Solicitor

(b) Senior Director, Roads Department & Building Commissioner

5. BUILDING COMMISSIONER

(a) Ontario Home Renewal Programme - Disabled

(b) Barton Street Revitalization - Redevelopment Programme

6. CITY SOLICITOR

Penalty Sections for Various By-laws

7. SECRETARY, LOCAL AGRICULTURAL CONSERVATION ADVISORY COMMITTEE

St. Mark's Anglican Church, 130 Bay Street South - Structural Review and Estimates for Maintenance and Conversion to New Use.

8. CONSENT AGENDA

9. PRIVATE AND CONFIDENTIAL

10. OTHER BUSINESS

11. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner & Director of Local Planning	Report Pending
5.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
6.	Mayor's Task Force on Downtown Issues.	1994 April 16	Various Departments	Reports forthcoming to Committee.
7	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
8.	Amendment to Property Standards By-law for Lighting Requirements in Private Parking Lots	1994 June 22	Building	Report Pending
9.	Lot Grading with respect to Land Severance Applications creating 1,2 & 3 Lots & Subdivision Agreements	1994 June 22	Law Department	Report Pending
10.	Monster Homes	1994 June 22	Building	Report Pending

No.	Item	Original Date	Action	Status
11.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
12.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue -By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43 Front of 1094 Upper Sherman Avenue
13.	Firenze & Greencedar - Retaining Wall	1994 July 20	Law & Building Departments	Tabled Pending Report
14.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified

Tina Agnello, Secretary
1994 September 21

/mec

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: 1994 September 16
ZAC-94-17
Corman Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning - 2535 King Street East

RECOMMENDATION:

1. That approval be given to amended Zoning Application 94-17, Frank Ricci, prospective owner, requesting a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, to permit the use of the subject land for a Residential Care Facility (retirement home) for 20 residents, for property located at 2535 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 10C.(1)(i) of Zoning By-law No. 6593, a residential care facility for the accommodation of a maximum of 20 residents being qualified Senior Citizens shall be permitted; and,
 - (ii) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line;

-

The effect of the By-law is to permit a 2½ storey building for a residential care facility (retirement home) for a maximum of twenty (20) residents being qualified senior citizens. In addition, the By-law requires that a landscaped planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line.

V. J. Abraham

It is the applicant's intention to change the zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, to permit the use of the subject land for a 2½ storey Residential Care Facility (retirement home) for 20 residents, for property located at 2535 King Street East. A modification to the regulations of the "DE-3" District is required in order to increase the maximum permitted number of residents from six (6) to twenty (20). The facility will provide seven (7) parking spaces with a visual barrier and planting strips to buffer the parking area from the adjacent residential uses. The applicant has amended the application to reduce the number of residents from 24 to 20 and to reconfigure the parking area and driveway to minimize any

minimize any potential adverse affects on the adjacent residential uses (see APPENDIX "B").

Planning History

- In 1990, plans and drawings were approved under Site Plan Control Application DA-90-05 for a restaurant with an apartment on the upper level. However, the owner decided not to proceed to the construction phase in 1990.

APPLICANT:

Frank Ricci, prospective owner.

LOT SIZE AND AREA:

- 9.507 m (31.167 ft.) of lot frontage on Potruff Road;
- 42.67 m (140.0 ft.) of lot flankage on King Street East; and
- 975.5 m² (10,426 sq. ft.) of lot area.

LAND USE AND ZONING:

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Vacant	"HH" (Restricted Community and Shopping Commercial) District
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Public Open Space	"AA" (Agricultural) District and "H" (Community Shopping and Commercial, etc.) District
to the east	Multiple Family Apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Public Open Space (Potruff Park)	"B1" (Suburban Agricultural and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" Land Use Concept plan of the Official Plan. The following policies would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including but not limited to:
 - ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provision for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
 - iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law."

The proposal conforms with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are located in the Corman Neighbourhood. There is no approved plan for the Corman Neighbourhood.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - The License Division, City Clerk's Department;
 - The Hamilton Region Conservation Authority; and,
 - Regional Planning Branch.
- The Building Department has advised that:
 - "1. The proposed use is a "**Residential Care Facility**".
 2. The proposed DE-3 zone only permits a residential care facility for a maximum number of six (6) residents.
 3. A residential care facility for twenty-four (24) residents require a minimum of eight (8) parking spaces.
 4. No concept drawing has been submitted to determine compliance of Zoning By-Law 6593."

Upon review of the revised application for a residential care facility for a maximum of twenty (20) residents, the Building Department advised that:

"Based on a lot area of 968.58 m² (10426 sq. ft.) the following min./max. are required:

Landscaped Area: 242.15 m² (2606.51 sq. ft.) min.

Gross Floor Area: 871.71 m² (9383.42 sq. ft.) max.

Based on a Residential Care Facility for twenty (20) persons a min. of seven (7) parking

spaces are required."

- The Traffic Department has advised that:

"The proposed change in zoning to permit the development of a retirement home is satisfactory."

- The Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

Our comments with respect to DA-90-05 dated March 8, 1990 are applicable to this application.

The subject lands are to be developed under site plan control. Since there will be access overlaps with the property to the east, at the time the site plans are dealt with, arrangements with the owner to the east will have to be made in respect to the access. We can support this type of use with the entrance locations as specified in the zoning report."

In 1990, the Roads Department advised that:

"No further road widenings are required at this time. These plans should be submitted to the East West/North South Freeway Project office.

In the absence of any details shown, we advise that any work within the road allowance limits, as widened, must conform to the respective streets By-laws.

We require 5m X 5m visibility triangles adjacent to the access in which the mature height of vegetation, objects, etc, must not exceed a height of 0.08 m above the corresponding centerline elevation of abutting streets.

The access design will be reviewed by Traffic Department. The applicant should be aware, he will require an access permit prior to the construction of the accesses."

- The Department of Social Services advised that:

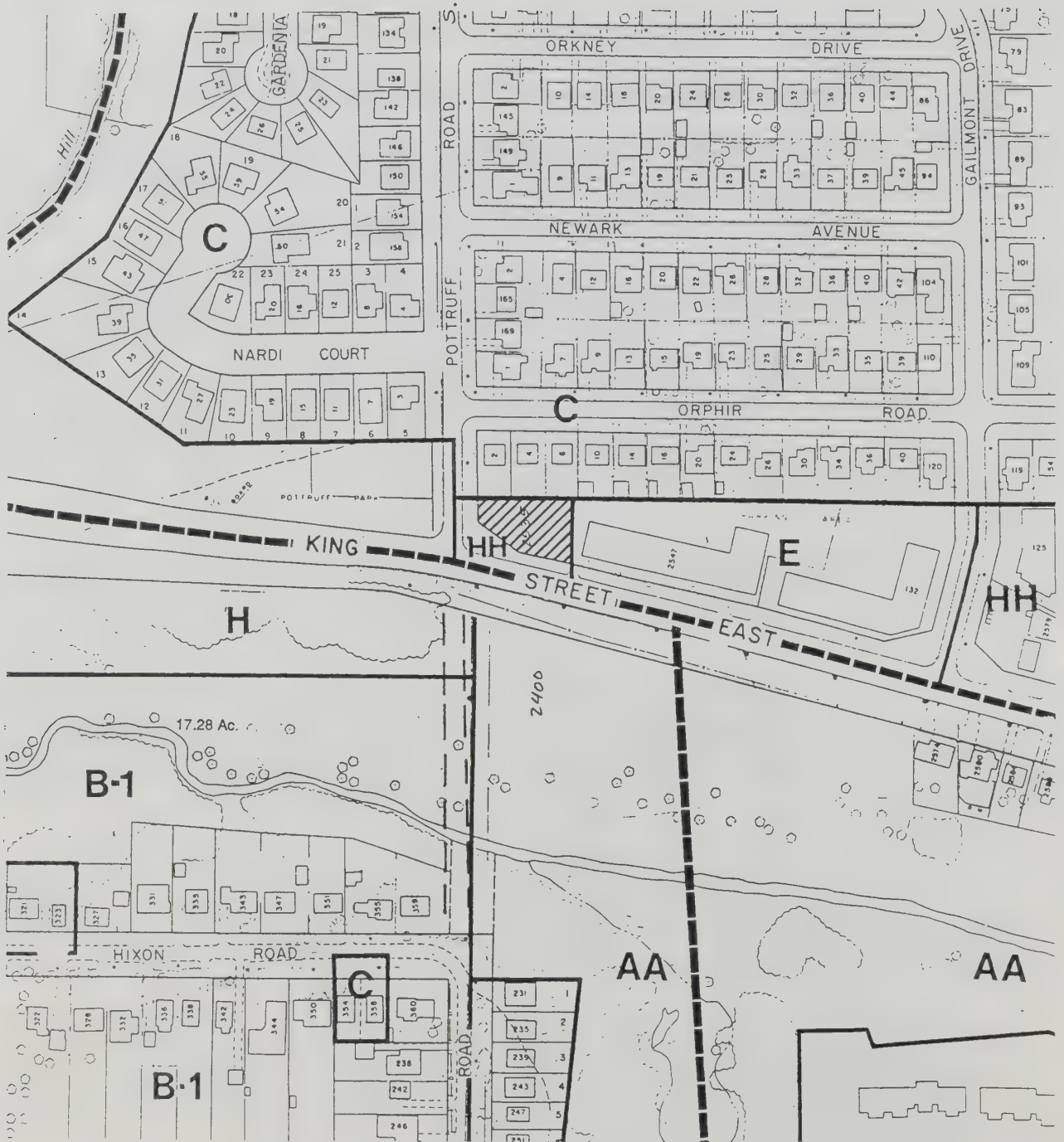
"In response to your request for comments on the above, Mr. Ricci is not known to our Department. We are aware, however, of approximately 270 empty beds in our subsidized lodging home system. Our colleagues in the Public Health Services Department advise that there are also vacancies in retirement homes that cater to seniors not requiring a subsidy."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it is consistent with the intent of the "RESIDENTIAL" designation in the Official Plan which encourages the development of a range of residential care and short-term care facilities in all areas of the City;
 - ii) there are no other residential care facilities established within the prescribed 180 metre radial separation distance. The Social Services Department has advised that although there does not appear to be any need in the community for the development of any more second level lodging homes, the proposed residential care facility is located in an area of the City in which few lodging homes exist. As such, the proposal implements the City's Official Plan which encourages the distribution of residential care and short-term care facilities in all areas of the City;
 - iii) the subject lands are located on a major road and would be compatible with established development in the surrounding area comprised of an apartment building to the east and single detached dwellings to the north;
 - iv) the subject lands are bounded by an "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to the east and "H" (Community Shopping and Commercial, etc) District, to the south-west, which permit the proposed use as-of-right (i.e. Residential Care Facility - max. 20 residents). In this regard, the proposal is an infill situation; and,
 - v) the site is appropriate for the intended use given its location on a major arterial road and it is close to public transit. The proposed residential care facility for qualified senior citizens would be compatible with the existing development pattern along King Street East.
5. The "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

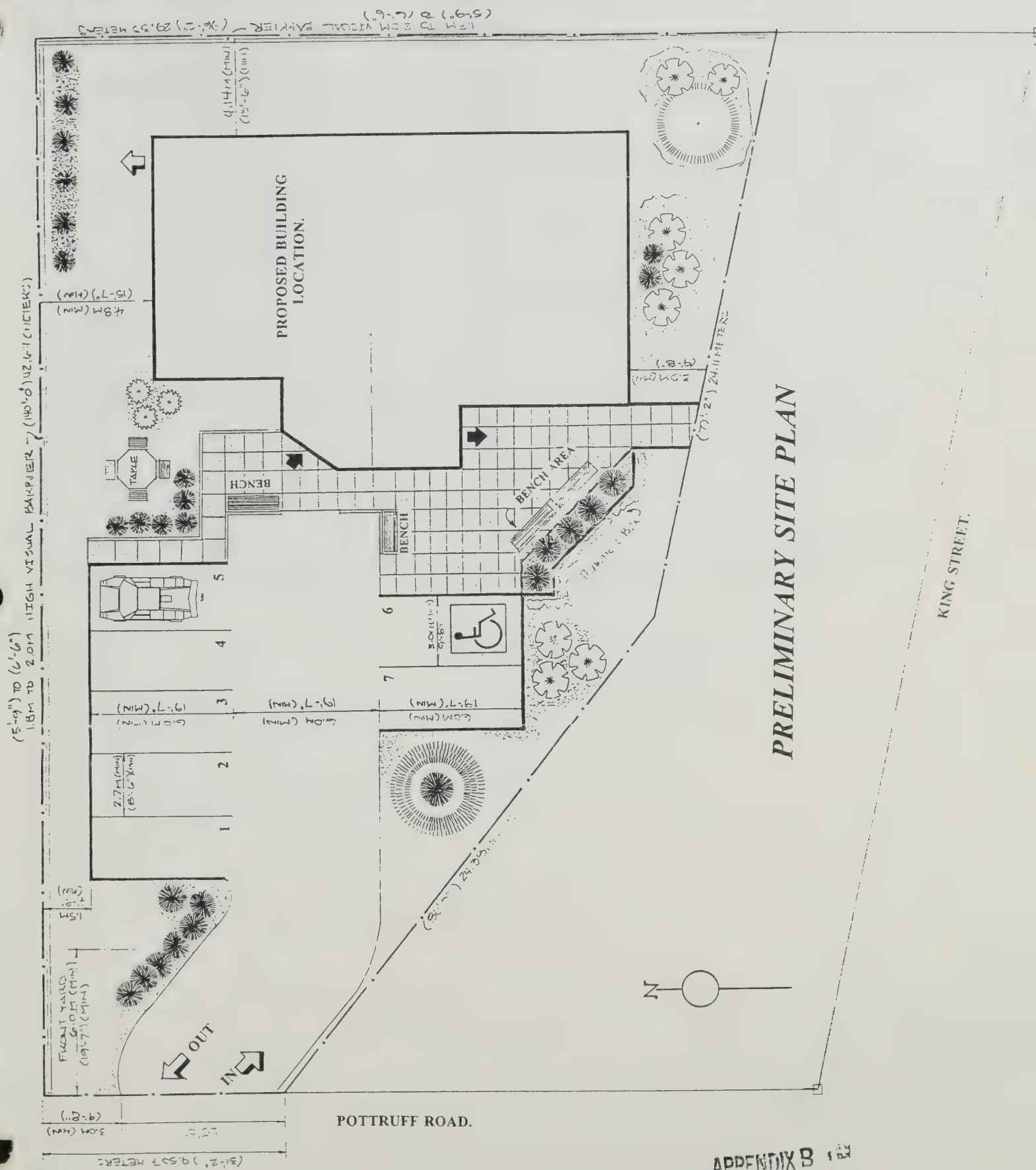


Legend



Site of the Application

ZAC-94-17



URBAN/MUNICIPAL

CAY ON HBL ADS

CSIPY

1994

CITY CLERK'S OFFICE

MEMORANDUM

The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

URBAN MUNICIPAL

TO: Members of City Council
Mr. J. Pavelka, C.A.O.
Management Team
Legislative Assistants

SEP 27 1994

GOVERNMENT DOCUMENTS

FROM: Mr. J. J. Schatz
City Clerk

PHONE: 546-2727

SUBJECT: PLANNING AND DEVELOPMENT COMMITTEE
- SCHEDULES "A", "B" & "C"

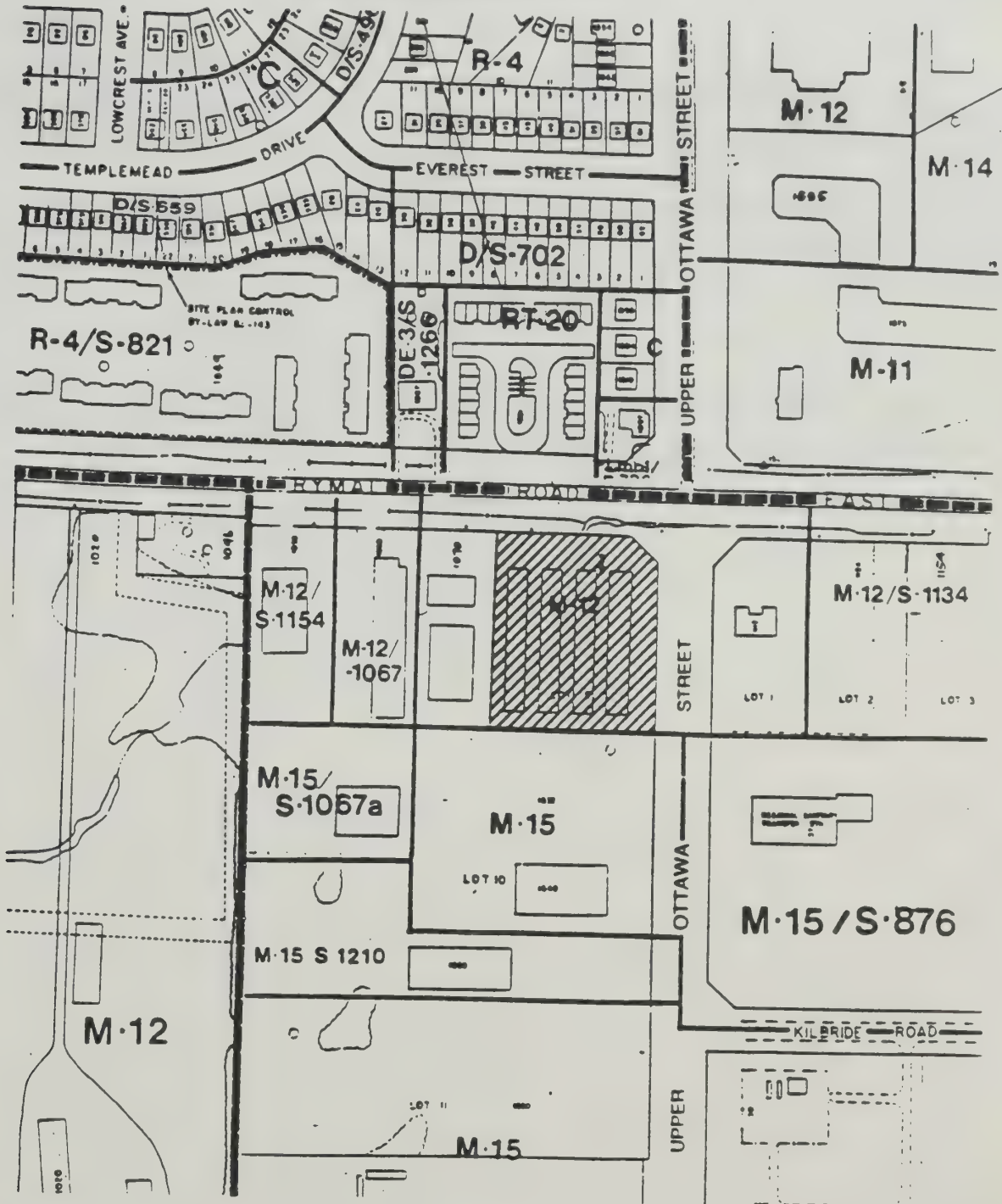
DATE: 1994 September 26

Attached please find a copy of the Schedules for the Planning and Development Committee Report which were omitted from the council agenda for tomorrow's meeting in error.

J. J. Schatz for
J. J. Schatz

att.

1994 September 27



Legend



Site of the Application



1994 September 27

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS

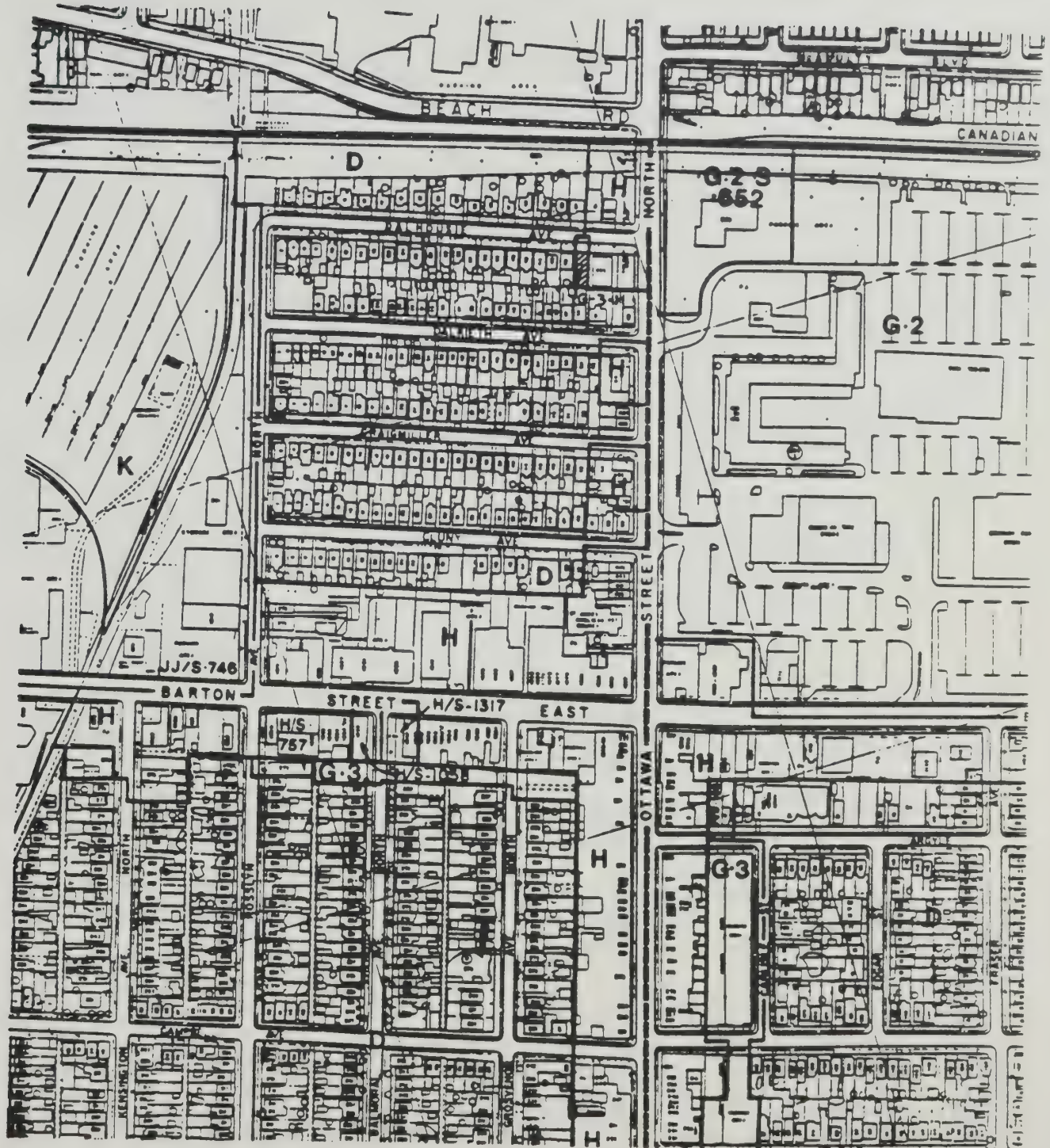
1994

BIA	Item	Cost
Westdale Village	8 litter containers	\$ 6,500.
		\$ 6,500.

TOTAL ESTIMATED COST OF C.I.P. REQUEST

\$6,500.

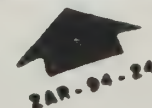
1994 September 27



Legend



Site of the Application



CITY OF HAMILTON
- RECOMMENDATION -

SEP 14 1994

DATE: 1994 September 13
ZAR-94-21
West Hannon Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Request for a modification in zoning - No. 1088 Rymal
Road East

RECOMMENDATION:

1. That approval be given to Zoning Application ZAR-94-21, U-Haul Co. of Canada Ltd., prospective owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit the rental of trucks (maximum of 6 vehicles), as an accessory use to the existing public storage facility, for property located at No. 1088 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - i) Notwithstanding Section 17D.(1), automobile truck rental and leasing services, for a maximum of 6 vehicles, shall be permitted only as an accessory use to a public storage use, and the storage of rental vehicles shall be located only at the rear of the subject lands abutting the rear (south) lot line; and,
 - ii) Section 18A.(1)(d) shall not apply to a public storage use and accessory automobile truck rental and leasing services.

-

The purpose of the by-law is to modify the established "M-12" (Prestige Industrial) District regulations, for property located at No. 1088 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

- storage of the rental trucks will be restricted to the rear of the subject lands (along the south lot line); and
- no loading spaces are required; whereas the by-law requires two 3.7 m x 18.0 m x 4.3 m loading spaces.

✓ Subrahman

N/A

Proposal

and intends on operating the existing public storage facility. The applicant's intent is to offer a small number of trucks for rent, as a secondary use to complement the storage facility. A plan showing the location of the existing facilities and the proposed location of the rental trucks (along the rear lot line) is attached as APPENDIX "B".

APPLICANT:

U-Haul Company of Canada Ltd., prospective owner.

LOT SIZE AND AREA:

The subject property has:

- a frontage of 60.10 m on Rymal Road East;
- a flankage of 64.70 m along Upper Ottawa Street; and
- a site area of approximately 6,582.25 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Public Storage facility	"M-12" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Single-family home and townhouses	"L-mr-1" (Planned Development) District, modified and "RT-20" (Townhouse-Maisonette) District
to the south	Auto Body Shop	"M-15" (Prestige Industrial) District
to the west	Industrial mall	"M-12" (Prestige Industrial) District

to the east

Offices (Hamilton & District Home Builders' Association, Hamilton & District Council of Co-operative Preschools Corp.)

"M-12" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
 - ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".

- A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

- A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial/Commercial" by the Approved East Mountain Industrial Business Park Plan. The proposal complies with the intent of the approved Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.

- The Building Department advises:

"1. The use of trailer and truck rental is not permitted.

2. The existing warehouses (2472.91 m²) and one dwelling unit requires twenty-three (23) parking spaces and two (2) 3.7m x 18.0m x 4.3m loading spaces."

- The Regional Roads Department advises:

"There are public watermain and separate storm and sanitary sewers available to service these lands.

The Region has perviously acquired the road allowance widenings on Rymal Road and Upper Ottawa Street, adjacent to the subject lands and we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the Approved East Mountain Industrial Business Park Plan.
2. The application has merit and can be supported on the following basis:
 - It complies with the intent of both the Official Plan, which designates the lands "Commercial", and the approved East Mountain Industrial Business Park Plan, which designates the lands "Restricted Industrial/Commercial".

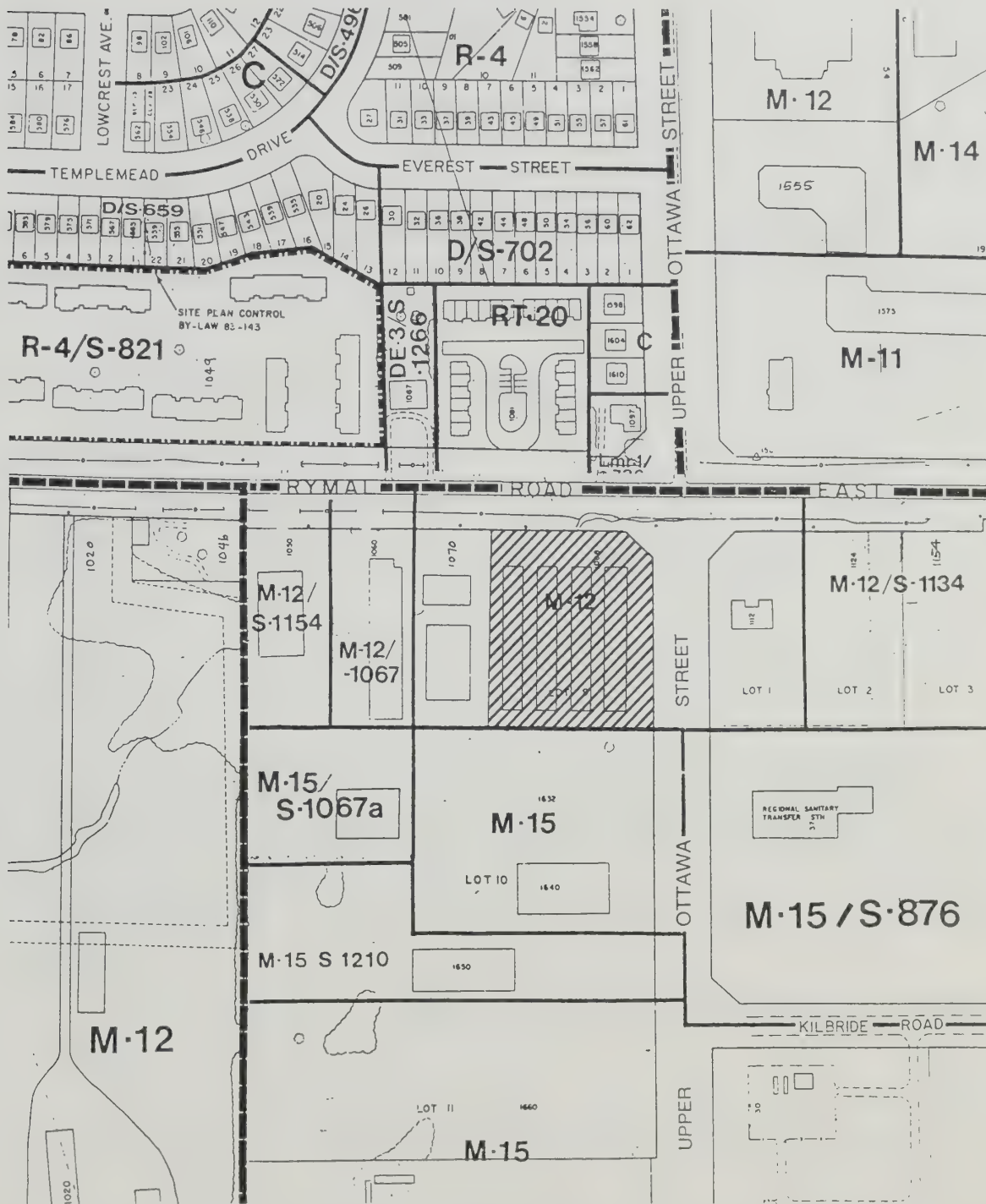
- The proposed truck rentals would be restricted to a maximum of 6 vehicles and would only be permitted as an accessory use, to the existing public storage facility, which is an established permitted use.
 - The Zoning By-law restricts uses within the "M-12" Districts, which are located at the periphery of the Industrial Business Park, to those which are compatible with abutting residential neighbourhoods. In addition, uses which require significant outside storage are directed to the interior of the park (ie. "M-14" and "M-15" Districts). However, the storage of the rental vehicles would be restricted to the rear of the subject lands, abutting the south lot line (see APPENDIX "B"). In this regard, there would be no change to the front portion of the site, along Rymal Road. Furthermore, the location of the rental vehicles along the south lot line, would directly abut the "M-15" District to the south, which permits truck rentals.
3. Since the proposal is to provide for the rental of no more than 6 vehicles, as an accessory use to the existing public storage facility, the "M-12" (Prestige Industrial) District regulations should be modified to restrict the rental of trucks to a maximum of 6 vehicles, only as an accessory use. In addition, to ensure that the vehicles are not stored on the front portion of the site, along Rymal Road, a special requirement should be included to restrict storage of the rental vehicles to the rear of the site, abutting the south lot line as proposed.

Further to the above, as noted by the Building Department, the existing development requires two 3.7 m x 18.0 m x 4.3 m loading spaces. The required loading spaces, which are currently provided at the rear of the property, would be eliminated to provide for storage of the six rental trucks. However, it would appear that customers of the storage facility would load immediately adjacent to their rented storage unit, rather than at the designated loading spaces located at the rear of the property. In this regard, the provision of loading spaces for the storage facility is considered to be redundant, and a variance to Section 18A.(1)(d) of the Zoning By-law, to eliminate the required loading, can be supported.

CONCLUSION:

Based on the foregoing, the application can be supported.

CL-M



Legend



Site of the Application

ZAR-94-21

APPENDIX A

RYMAL ROAD EAST



0 50 100 150 200 250 m

Scale 1:500

APPENDIX B

3a)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 14 1994

DATE: 1994 September 13
(4498)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

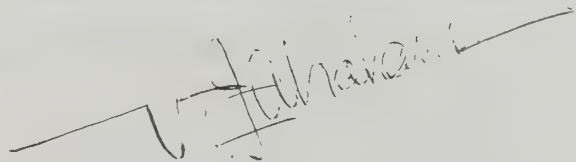
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Bill 163 - Revisions to the Planning Act and other related Acts

RECOMMENDATION:

1. That the Clerk be directed to forward the following recommendations and a copy of this report to the Standing Committee on the Administration of Justice, the Minister of Municipal Affairs and the Hamilton-Wentworth Region and that they be advised that the City of Hamilton supports Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes related to planning and municipal matters:
 - a) Provided that the following changes be made to Part III, Planning Act, of Bill 163
 - i. That Bill 163 should be amended to clarify as to whether or not appeals to Committee of Adjustment decisions can be heard by a committee of Council.
 - ii. That proposed Section 44(12) of the Planning Act be amended to clarify as to whether or not delegated approval authority could be divided between a staff member and a Committee.
 - iii. That as part of the changes to the Planning Act the Province provide a definition of what is a "minor variance".

- iv. That proposed Section 22(1) of the Planning Act be amended to clarify that the requirement for a public meeting within 180 days commence upon receipt of a complete application, and that the decision on what constitutes a "complete" application be made by the municipality.
 - v. That proposed Section 17(6) of the Planning Act be amended to allow municipalities to establish alternative time frames in their Official Plan regarding the timing of public meetings and council decision on a proposed Official Plan Amendment.
 - vi. That the Province be advised that the City of Hamilton does not support in their present form the proposed changes in Bill 163 to Section 42 of the Planning Act regarding parkland dedication. Rather, Bill 163 should be amended to clarify that the cash-in-lieu system utilized in the City of Hamilton will be permitted whereby an initial payment is made under Section 42 of the Planning Act at the time of subdivision and that this payment is credited against the cash-in-lieu payment required at the time of the issuance of the building permit.
 - vii. Bill 163 should be amended to allow for a mechanism to combine the requirements for two public meetings into one meeting where both the plan of subdivision and rezoning can be considered concurrently.
 - viii. That proposed Sections 51(6) and 53(23) of the Planning Act that will require public notification and allow for the appeal to the Ontario Municipal Board of a change in a condition of draft plan approval for a plan of subdivision or consent be deleted from Bill 163.
- b) That the Province amend the proposed changes to Section 223.1 of the Municipal Act to authorize municipalities to control the removal of vegetation and/or tree cutting.

A handwritten signature in dark ink, appearing to read "J. H. H. H.", is written over the bottom right portion of the list item b).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The Minister of Municipal Affairs has recently announced a comprehensive package of planning reforms including:

- Bill 163 - An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes related to planning and municipal matters;
- Policy Statements for the following areas: Natural Heritage; Environmental Protection and Hazard Policies; Economic, Community Development and Infrastructure Policies; Housing Policies; Agricultural Land Policies; Conservation Policies; Mineral Aggregate, Mineral and Petroleum Resources Policies; and, Interpretation and Implementation; and,
- the establishment of an Advisory Task Force on Implementation to oversee the preparation of implementation guidelines and information and educational materials for the public, planners and the development industry.

These reforms are based on three principles as follows:

- local empowerment - municipalities will be given a greater role in land use planning and development approvals;
- streamlining - streamlining of the planning process will permit environmentally sound development proposals to proceed more quickly, creating jobs in the construction industry; and,
- environmental protection - the environment will be better protected through a comprehensive set of policy statements.

This reform package is based on the recommendations of the Final Report of the "Commission on Planning and Development Reform in Ontario" (the Sewell Commission) and has been refined by the government to reflect the views of individuals and interest groups who have responded to the Final Report.

Bill 163 received second reading on June 21, 1994. Third reading is expected by year's end. The Comprehensive Set of Policy Statements have been adopted by the Province but will not come into effect until Bill 163 is proclaimed into law. A legislative standing committee will hold public hearings starting on August 29, 1994, through September. The committee will only hear representations on Bill 163.

Implementation guidelines will be prepared and consultation on these will occur over the fall. As such, it will be necessary to continue to monitor and review the proposed planning reforms and advise accordingly of the implications of the proposed changes to legislation, provincial policy and implementation requirements vis-à-vis the implementation guidelines.

On January 1, 1995, the new legislation, Policy Statements and guidelines on implementation are expected to come into effect.

COMMENT:

Bill 163

Bill 163 is intended to revise several Provincial Acts including: the Planning Act; the Municipal Act; and, the Ontario Municipal Board Act. In addition, Bill 163 introduces two new statutes: the Ontario Planning and Development Act, 1994; and, the Local Government Disclosure of Interest Act, 1994. As the Comprehensive Set of Policy Statements have been adopted by the Province and will come into effect upon proclamation of Bill 163, this report focuses on the proposed legislative changes contained in Bill 163.

The following is a brief discussion of the proposed changes and their implications to the City of Hamilton.

Planning Act Changes

"Shall Be Consistent With"

The Province is proposing to amend Section 3 of the Planning Act to require that local planning authorities' decisions be consistent with provincial policy statements. In December, 1993, the Province circulated for review and comment the draft set of comprehensive policy statements. At present, the legislation requires that in making planning decisions, municipalities "shall have regard to" provincial policy. The proposed change is significantly stronger and would require planning authorities to make planning decisions in a manner that implements the stated goals and objectives of the applicable provincial policy statements. The policy statements have been prepared based on the phrase "consistent with" and Ministry of Municipal Affairs (MMA) staff have advised that if alternative wording is adopted, then the policy statements will be revised to ensure that the goals, objectives and general intent of the policy statements can be effectively implemented.

On the basis of the foregoing, it is recommended that:

The City of Hamilton support the proposed change to Section 3 of the Planning Act.

Committee of Adjustment Appeals

As part of the provincial planning reforms, the Province is proposing changes to the those sections of the Planning Act dealing with appeals to Committee of Adjustment decisions. Where Council elects to delegate approval authority for minor variances or the expansion of legal non-conforming uses, then there will be three options:

- i) to a Committee comprised of Council members and appointed individuals;
- ii) to a Committee comprised entirely of appointed individuals; or
- iii) to an appointed officer identified by name or position occupied (eg Commissioner of Planning).

Under the provisions of Bill 163, the Ontario Municipal Board will no longer deal with minor variances. Where a member of Council sits on the Committee of Adjustment or where authority is delegated by Council to an appointed officer, then the decision will be final. There will be no appeal mechanism under the Planning Act.

In those situations where there are no members of Council on the Committee of Adjustment, then a decision of the Committee of Adjustment can be appealed to Council. In this situation, Council will have one of four options:

- i) confirm the decision;
- ii) vary the decision;
- iii) rescind the decision; or,
- iv) direct the Committee of Adjustment to rehear the matter.

Council will only be permitted to direct the Committee to rehear the matter once. However, Council will still be authorized to overturn the Committee's decision where there is a subsequent request to Council for a review of the Committee's decision. The decision of Council will be final.

The proposed changes state that appeals will be heard by Council. Clarification is required as to whether or not appeals can be heard by a committee of Council, with said committee making a recommendation to Council on the appeal. As such, Bill 163 should be amended to clarify as to whether or not appeals can be heard by a committee of Council.

In the City of Hamilton, there are two members of Council on the Committee of Adjustment. As such, the proposed changes contained in Bill 163 would mean that the decision of the Committee will be final. It will not be possible for the Committee's decision to be appealed to either the OMB or alternatively make a request to Council to review the Committee's decision. In those situations where it is felt that Committee acted *ultra vires* in approving an application, then the only recourse will be to request a judicial review of the Committee's decision.

On the basis of the foregoing, it is recommended that:

Bill 163 should be amended to clarify as to whether or not appeals to Committee of Adjustment decisions can be heard by a committee of Council.

Administration of the Committee of Adjustment

Under the provisions of Bill 163, in those situations where the Committee of Adjustment is

comprised of at least one member of Council, then the Clerk will be responsible for the duties presently assigned to the secretary-treasurer. The Clerk will be responsible for ensuring that a hearing is held within 30 days of receipt of the application by the Clerk. Furthermore, within 15 days of the Committee's decision, the Clerk will be responsible for forwarding a copy of the decision to the Minister, the applicant and to any person or public body that made a written request to be notified of the Committee's decision. As such, a secretary-treasurer for the Committee of Adjustment will no longer be required where members of Council sit on the Committee of Adjustment.

The Sewell Commission recommended that municipalities be allowed to delegate to staff the approval authority for variances of up to 10% from the controls (eg setbacks, height) with no public notification requirements. The Sewell Commission's recommendation would have significantly reduced the number of applications to the Committee and was supported by the City. The proposed changes to the Planning Act do not allow for such system but do allow for the delegation of approval powers to a staff member. However, the Planning Act should be clarified to specify as to whether or not delegated approval authority could be split between a staff member and a Committee.

By eliminating the appeal process for Committee of Adjustment decisions, it is important that the Province clarify what constitutes a "minor variance". The Planning Act establishes the criteria that must be met in order for the Committee of Adjustment to approve an application for relief. The OMB has ruled that the test of "minor" cannot be considered solely in terms of linear measurement but rather on the effect on adjacent properties and the streetscape. However, in order to clarify the role and powers of the Committee of Adjustment in light of the proposed Planning Act changes, it is important the Province amend Bill 163 to provide a definition of "minor variance".

On the basis of the foregoing, it is recommended that:

Proposed Section 44(12) be amended to clarify as to whether or not delegated approval authority could be divided between a staff member and a Committee; and,

As part of the changes to the Planning Act that the Province provide a definition as to what is a "minor variance".

Official Plan Amendments

In order to streamline the planning process, the Province is proposing changes to Section 17 of the Planning Act to establish time frames for the processing of applications for an official plan amendment (OPA). However, several of the proposed changes are counter productive to streamlining the planning process and will, in fact, delay the OPA approval process.

It is noted that what constitutes "complete information" has not been clarified. Yet under the provisions of Bill 163, the municipality must hold a public meeting within 180 days of receipt

of a request for an OPA. The public meeting must be held even if the applicant has failed to provide a "complete application". Bill 163 contains a clause that the time period for considering a plan of subdivision does not begin until the day that the prerequisite information, material and fee are received. Bill 163 should be amended to state that:

- the time line for holding the prerequisite public meeting will only begin after a complete application has been received;
- clarify as to what constitutes a "complete application"; and,
- specify as to who will determine if the background studies are adequate.

The revised OPA application forms will be required for all OPA applications. Detailed studies will be required that address issues such as: identification of problems; developing and analysing alternatives; and establishing a monitoring system. While this may be appropriate for a new Official Plan and possibly in the preparation and review of Neighbourhood Plans, it is considered overly burdensome and costly with the majority of amendments that are part of the zoning by-law amendment process.

Bill 163 proposes that there will be a 30 day waiting period between the public meeting and the decision of council on applications for an OPA. Currently, the timing is 6 days. By lengthening this process, it is contrary to initiatives aimed at streamlining the planning approvals process. In addition, the introduction of a 30 day waiting period will also tie up the zoning process if there is an associated OPA. Rather, it is recommended that Bill 163 be amended to allow municipalities to establish shorter time frames, where such time frames are identified in the Official Plan.

In December, 1993, the Planning Act was amended, by way of Bill 40, to enable the Minister of Municipal Affairs to issue regulations regarding planning application forms. This authority is reiterated in Bill 163. As such, the Minister can, by way of regulation, require that all applications for an OPA utilize the forms in the "Guide to Provincial Applications" manual. This manual requires that all applications be accompanied by the necessary complete information and demonstrate conformity with provincial policy.

The Province will require the completion of detailed forms based on the "Guide to Provincial Planning Applications" manual once an OPA is approved. Completion of these forms is required within 15 days of adoption of an OPA. These forms are complex and time consuming.

On the basis of the foregoing, it is recommended that the Province be advised that:

Proposed Section 22(1) of the Planning Act be amended to clarify that the requirement for a public meeting within 180 days commence upon receipt of a complete application and that the decision of what constitutes a "complete" application be made by the municipality.

Proposed Section 17(6) of the Planning Act be amended to permit municipalities to

establish alternative time frames in their Official Plan regarding the timing of public meetings and Council decision on a proposed Official Plan Amendment.

Parkland Dedication

The Planning Act authorizes municipalities to require a parkland dedication as a condition of development. Bill 163 amends the parkland dedication section of the Planning Act to ensure that municipalities cannot require more than one parkland dedication in respect of the same development unless an increase in density occurs between the planning approval stage and the issuance of a building permit. If there is an increase in the density of development or if a commercial or industrial site is being redeveloped for other uses then a subsequent parkland dedication can be requested.

At the present time, a municipality can require additional parkland dedication where a block of land created by a Plan of Subdivision is further subdivided, as a condition of a zoning by-law amendment or alternatively as a condition of site plan approval. The City of Hamilton requires a parkland dedication as a condition of subdivision approval or severance. Current City policies provide that where cash-in-lieu of parkland is required as a condition of draft plan approval or as a condition of consent (severance), the ultimate payment is calculated and collected prior to building permit issuance, with all previous payments or dedications credited against the required amount in accordance with Section 42(6) of the Planning Act. As such, parkland dedication is calculated based on the value of serviced land, as opposed to unserviced land.

Under the present system, only one parkland dedication or cash-in-lieu payment is requested, although two payments are made. The first payment, as a condition of draft approval, is credited towards the ultimate parkland dedication required which is collected at the building permit stage. Only one parkland dedication is being made, as opposed to a 5% parkland dedication as a condition of subdivision and a subsequent parkland dedication as a condition of rezoning or site plan approval.

The proposed changes to the Planning Act will prohibit the parkland dedication practice presently used by the City of Hamilton and will affect the timing at which cash-in-lieu payments are collected. It is noted that a significant amount of time may pass between draft plan approval, registration of the plan and the issuance of building permits. As such, the proposed changes will affect the timing of the collection of future cash-in-lieu payments. The City may no longer be able to request the initial cash-in-lieu payment at the time of subdivision as it will only be possible to collect monies at the time of issuance of the building permit.

Under the provisions of Section 42 of the Planning Act, the value of the land will still be calculated on the day before the first permit is issued, and as such the cash-in-lieu payment will still be calculated based on the value of serviced land.

As such, the proposed changes to Section 42(7) of the Planning Act cannot be supported in there

present form. The intent of the proposed change is to prevent municipalities from requiring multiple parkland dedications in respect to the same development. The system used by the City is based on one cash-in-lieu contribution paid in two instalments. Rather, Bill 163 should be amended to clarify that the cash-in-lieu system utilized in the City of Hamilton will be permitted whereby an initial payment is made under Section 42 of the Planning Act at the time of subdivision and that this payment is credited against the cash-in-lieu payment required at the time of the issuance of the building permit.

On the basis of the foregoing, it is recommended that:

The Province be advised that the City of Hamilton does not support in their present form the proposed changes in Bill 163 to Section 42 of the Planning Act regarding parkland dedication. Rather, Bill 163 should be amended to clarify that the cash-in-lieu system utilized in the City of Hamilton will be permitted whereby an initial payment is made under Section 42 of the Planning Act at the time of subdivision and that this payment is credited against the cash-in-lieu payment required at the time of the issuance of the building permit.

Appeals of Official Plan Amendments and Zoning By-law Amendments

Bill 163 amends and expands the grounds on which an appeal of an official plan amendment or zoning by-law amendment are dismissed. At the present time, the Ontario Municipal Board (OMB) may dismiss an appeal if the appeal is considered to be frivolous or vexatious or made only for the purpose of delay. In addition to these reasons, upon passage of Bill 163, the OMB may dismiss an appeal if the reasons for the appeal are not based on any planning grounds. Furthermore, the OMB may dismiss the matter if the OMB considers the OPA or zoning by-law amendment to be premature.

The OMB may also refuse to consider an appeal if the appellant did not make oral or written submissions at or prior to the required public meeting or the appellant has not provided sufficient information to the OMB on which to make a decision.

In order to reduce the number of appeals to the OMB, Bill 163 expands the criteria under which an approval authority (eg Hamilton-Wentworth Region) may refuse to refer a matter to the OMB. Approval authorities may refuse to refer a matter to the OMB based on the aforementioned criteria under which the OMB may dismiss an appeal.

In order to reduce delays in dealing with an appeal, Bill 163 will authorize the OMB to dismiss an appeal if the appellant fails to respond to the OMB's request for additional information within a prescribed time period or alternatively if the appellant fails to pay the prerequisite fee to the OMB.

Before dismissing an appeal, the OMB will be required to notify the appellant and give the

appellant an opportunity to make representation in support of the appeal. The OMB will then decide as to whether or not that the appeal should be dismissed. At the present time, an applicant may appeal a zoning by-law amendment to the OMB if Council has not acted on the matter within 30 days. Bill 163 increase this time frame to 90 days.

Environmental Considerations

The new comprehensive provincial policy statements are designed to provide greater environmental protection by restricting or precluding development in environmentally sensitive or significant areas. In order to allow for the effective implementation of these policies, Bill 163 amends the Planning Act to allow municipalities to utilize zoning by-laws to regulate the use of land associated with contaminated or sensitive areas, natural features and areas, or the site of significant archaeological resources. Specifically, municipalities will be able to pass zoning by-laws to regulate the use of land associated with the following features:

- ground-water recharge areas;
- head-water areas;
- significant wildlife habitat;
- wetlands, woodland, ravine, valley or area of natural and scientific interest;
- significant corridor or shoreline of a lake, river or stream;
- significant natural corridor, feature or area;
- site of a significant archaeological resource; or,
- contaminated sites.

The broadened zoning powers will facilitate the implementation of the new Provincial policy statements which place greater emphasis on environmental protection through the identification of areas where development will generally not be permitted (eg wetlands).

Effective July 1, 1994, certain private sector initiatives are subject to the class environmental assessment process. In order to avoid duplication between the planning process and environmental assessment process, the Province is proposing to amend the Planning Act whereby municipalities will be able to further integrate environmental concerns into the planning process by adopting an optional process which can be considered under the Environmental Assessment Act. The official plan review process and background documents prepared, including sub-watershed studies, can be considered as part of the master planning requirements of the environmental assessment process.

On the basis of the foregoing, it is recommended that:

the City of Hamilton support the proposed changes to the Planning Act regarding increased zoning powers and the integration of the Planning Act and the Environmental Assessment Act.

Subdivision Approval

As part of Bill 163, the subdivision approval process is being revised with the establishment of time frames for council decisions on draft plan approval of applications. A decision on an application for draft approval must be made by the approval authority within six (6) months from the date of the receipt of the application. However, as the Province is proposing a 30 day public notification period prior to council decision, the amount of time available to review and negotiate with the applicant is in fact substantially less.

Under the proposed Planning Act changes, the approval authority will be required to hold a public meeting. At the present time, there are no mandatory requirements for the approval authority to hold a public meeting. However, given that an application for draft plan approval often involves an application for a zoning by-law amendment, the proposed plan of subdivision is presented to the public in conjunction with the rezoning application. While the requirement of a public meeting is supported, Bill 163 will require that two public meetings be held on the same matter: one by the Region regarding the proposed subdivision and one by the City to consider the proposed change in zoning. As such, Bill 163 should be amended to allow for a mechanism to combine the requirements for two public meetings into one meeting where both the plan of subdivision and rezoning can be considered concurrently.

In addition to the foregoing, where it is necessary to amend or change a condition of draft approval, it will be necessary to give written notice to all affected parties. Furthermore, Bill 163 will allow for an individual or public body to appeal the proposed change in the conditions of draft plan approval to the OMB. These provisions will also apply where an application for consent (severance) has been conditional approved by the Regional Land Division Committee. The requirement for public involvement where it is necessary to modify a condition of draft approval is not supported. Minor changes in the conditions of draft approval may be necessary at the time of construction of the necessary infrastructure due to unforeseen circumstances. The proposed change to the Planning Act is considered to be unnecessary and will lengthen the approvals process.

On the basis of the foregoing, it is recommended that the Province be advised that:

Bill 163 should be amended to allow for a mechanism to combine the requirements for two public meetings into one meeting where both the plan of subdivision and rezoning can be considered concurrently; and,

The proposed Sections 51(6) and 53(23) of the Planning Act that will allow for an appeal to the Ontario Municipal Board of a change in a condition of draft plan approval for a plan of subdivision or consent are not supported and should be deleted from Bill 163.

Development Permit System

In accordance with the recommendations of the Sewell Commission, the Province is proposing to amend the Planning Act to allow municipalities to adopt a development permit system. A development permit system combines elements of zoning and site plan control in that details of density and use, design guidelines and physical form are examined collectively prior to the issuance of a development permit. It should be noted that in Ontario, the Niagara Escarpment Commission utilizes a development permit system.

Prior to enactment of a development permit process, the official plan must contain policies regarding the utilization of a development permit system.

City Council supported the Sewell Commission's recommendations on a development permit system. Such a system could provide much more flexibility and recognize unique circumstances in specific areas of the City, such as the downtown core.

On the basis of the foregoing, it is recommended that:

The City of Hamilton support the inclusion of a Development Permit system in the Planning Act.

Site Plan Control

The Province is proposing to amend the site plan control section of the Planning Act to allow upper-tier municipalities to require the conveyance of land for public transit rights of way. The conveyance of land will only be permitted where the public transit right of way is shown on or described in an official plan.

On the basis of the foregoing, it is recommended that:

The City of Hamilton does not object to the proposed changes to the site plan control section of the Planning Act.

Municipal Act Changes

In conjunction with the proposed restructuring of the planning system in Ontario, the Province is proposing changes to the Municipal Act regarding conflict of interest, open meetings and disposal of property. In addition, a new power is being given to municipalities to regulate site alterations and the placing of fill.

Council Meetings

The Province is proposing to amend the Municipal Act to require that all meetings of council, committees, or subcommittees composed of council members be open to the public. A meeting or part of a meeting may be closed to the public when property matters, personnel matters,

litigation, or matters subject to solicitor-client privilege are being considered. Prior to holding a closed meeting, a resolution must be passed stating the general nature of the matter to be considered. However, any final decision (eg voting) on the foregoing matters must be made in an open public meeting.

Disposal of Real Property

The proposed amendments to the Municipal Act will require that municipalities maintain an inventory of their properties and that municipalities adopt a procedural by-law regarding the disposal of surplus lands. The contents of said procedural by-law are outlined in the proposed changes to the Municipal Act.

Site Alterations

Bill 163 amends the Municipal Act to allow municipalities to make by-laws regarding grading and regulating the placing or dumping of fill through a permit system. The proposed permit system would be similar to the cut and fill permit system that is presently utilized by conservation authorities. A permit would be required before a property owner could place fill or alter the grading. If work is done in contravention of the by-law, and the property owner fails to take corrective measures, then the municipality could do the necessary work and the costs would become a lien on the land.

The proposed permit system would not regulate the removal of trees or vegetation. The Sewell Commission recommended increased municipal powers to regulate "tree cutting, vegetation removal, changes in elevation, placement and removal of fill and the removal of peat". The removal of vegetation can alter the character of the area, and even with the proposed zoning powers to regulate land uses in significant natural areas such as woodlots, municipalities will not have the necessary powers to control the removal of vegetation.

Based on the foregoing, it is recommended that:

the Province be requested to amend the proposed changes to the Municipal Act to authorize municipalities to control the removal of vegetation and tree cutting.

Local Government Disclosure of Interest Act, 1994

The Local Government Disclosure of Interest Act revises and replaces the existing Municipal Conflict of Interest Act. Succinctly, the new act:

- i) requires members of council to file and update annually with the municipality a financial disclosure statement;
- ii) prohibits members of council from being able to accept gifts or other benefits or utilize information that is not general public knowledge that are connected to his or her duties of office; and,

- iii) provides for the creation of a commissioner who has the power to investigate contravention of the Act and may bring an application to the court in respect of the alleged contravention.

On the basis of the foregoing, it is recommended that:

The Province be advised that the City of Hamilton has no objection to the new Local Government Disclosure of Interest Act, 1994.

Ontario Municipal Board Act

In conjunction with the Planning Act changes designed to streamline the appeal process, the Province is proposing changes to the Ontario Municipal Board Act. The proposed changes relate to the operation of the OMB such as authorizing the OMB to dismiss a matter if the prescribed fee has not been paid or to recognize the service of notices by facsimile transmission. As the proposed changes will facilitate the operations of the OMB, the proposed changes are supported.

On the basis of the foregoing, it is recommended that:

The Province be advised that the City of Hamilton has no objection to the proposed changes to the Ontario Municipal Board Act.

Ontario Planning and Development Act, 1994

Bill 163 replaces the existing Ontario Planning and Development Act with a new Ontario Planning and Development Act (OPDA). The OPDA is the enabling legislation for the preparation of provincial plans such as the Parkway Belt West Plan. In the City of Hamilton, the Parkway Belt West Plan includes the lands in and around Cootes Paradise and Hamilton Harbour. Under the existing legislation, changes to the Parkway Belt West Plan is a time consuming process. As such, the Province is proposing to introduce a new Ontario Planning and Development Act that will shorten the process for amending provincial plans. The revised Act will reduce the time required to release of lands which are no longer needed for public purposes.

On the basis of the foregoing, it is recommended that:

The Province be advised that the City of Hamilton has no objection to the new Ontario Planning and Development Act, 1994.

PLANNING COMMENTS

The package of planning reforms released by the Minister of Municipal Affairs represents the cumulation of the work initiated in 1991 by the Commission on Planning and Development

Reform in Ontario. It is the intent of the Province to restructure and streamline the planning process by placing greater emphasis on provincial policy and delineating areas where development can and cannot occur. By doing so, there will be greater emphasis on upfront work in terms of special studies to justify proposed official plan amendments. Proponents of development will be required to submit all of the necessary supporting information at the time of application which will necessitate increased pre-consultation with applicants. In addition, the reforms to the Planning Act will require the public to become involved in the planning process prior to municipal approvals.

CONCLUSION

Bill 163 in conjunction with the Comprehensive Set of Policy Statements incorporate many of the recommendations of the Commission on Planning and development Reform in Ontario. The proposed legislative changes will affect the way that the planning system operates and are designed to streamline the planning process. It is the intent of the Province to reform the planning system from a development led process to a policy led process. Land use issues will be resolved at the Official Plan and neighbourhood plan preparation stage. However, there are elements of the proposed planning reforms that appear to be counter productive to the Provincial streamlining initiatives and may in fact lengthen the planning approvals time frame. As such, it is important that the City of Hamilton respond to the proposed legislative changes.

SR/sr
Bill163

36)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 14 1994

DATE: 1994 September 14
CI-94-C

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: "Monster Homes"

RECOMMENDATION:

1. That the Planning and Development Committee direct staff to hold a Public Meeting regarding "monster homes" and that the appropriate public notice be given.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Purpose

Planning and Development Committee, at their meeting of June 22, 1994, requested a report be prepared "on monster houses, being 2½ to 3 storey buildings and their incompatibility to the surrounding neighbourhood." Ward and Holmes Avenue, in the Ainslie Wood East Neighbourhood were cited as examples.

This request arose out of neighbourhood concerns regarding the demolition and replacement of existing dwellings with large single detached dwellings or the construction of additions onto existing dwellings that have the effect of doubling or tripling the size of the original dwelling. For example, within the Ainslie Wood Neighbourhoods, single detached dwellings in excess of 320 metres² (3,500 feet²) have been built in accordance with the regulations of the zoning by-law. In two incidents, a building permit was denied by the Building Department because due to the number of rooms proposed, the proposed dwellings were considered to be lodging houses (ie 22 rooms in one dwelling and an undeterminable number of rooms in the second dwelling). Lodging houses are not a permitted use within the "C" (Urban Protected Residential, etc.) District. The proponent revised the building permit applications and based on the plans submitted, the dwellings contain a variety of rooms including an office, a workshop, a den, a recreation room, a dark room and a studio and/or gallery in addition to multiple bedrooms and bathrooms. As the revised building permit application complied with the regulations of the zoning by-law, a building permit was issued.

In addition, there was a concern regarding the number of applications filed with the Committee of Adjustment requesting modifications to the "C" (Urban Protected Residential, etc.) District to permit the required parking in the front yard and not having to provide the required on-site manoeuvring area for a new dwelling unit. A variation on this request was to enclose the existing garage and provide the required parking in the front yard with no on-site manoeuvring area. There have been 28 such applications since 1990 and in some cases numerous applications were received for the same property.

In the case of seven properties, two applications for the same variance were made at different times (155 Ward Avenue, 11 Holmes Avenue, 13 Holmes Avenue, 78 Ward Avenue, 72 Ward Avenue, 88 Ward Avenue and 90 Ward Avenue). In two cases, applications which had been previously denied, were approved (11 and 13 Holmes Avenue). In three cases, the first application was withdrawn and the second was denied (72, 88 and 90 Ward Avenue). The balance were denied both times (78 and 155 Ward Avenue).

Site visits to the Ainslie Wood Neighbourhoods revealed that there are dwellings for rent or rooms for rent within existing dwellings. Concern has been expressed by neighbourhood residents that the dwellings will be rented by students and that the dwellings will not be properly maintained. Under the provisions of the Planning Act, a zoning by-law can only regulate the land use, not the user. In addition, the Province amended the Planning Act to state that zoning by-laws cannot distinguish between persons who are related and persons who are unrelated in respect to the occupancy of a building or structure (Section 45.1). As such, the focus of this report is on ensuring that new development is compatible with existing development, regardless of tenure or occupancy.

Current Zoning Regulations

The area where the Committee of Adjustment applications have been made are zoned "C" (Urban Protected Residential, etc.) District which limits the height of buildings to two and one-half (2½)

storeys and structures to 11.0 metres (36.07 feet).

The minimum lot frontage is 12.0 metres (39.37 feet) and the minimum lot area is 360.0 metres² (3,875 feet²). The minimum yard requirements are: front yard of 6.0 metres (19.69 feet); side yards of 1.2 metres (3.94 feet); and, a rear yard of 7.5 metres (24.61 feet). Based on the minimum lot size requirements and minimum yard requirements, the maximum building footprint is 44% of the total lot area. Therefore, on a 360.0 metre² lot, each "storey" can have a maximum floor area of approximately 158 metres² (1,700 feet²).

By-law No. 6593 defines "storey" as:

"that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey".

This definition allows for the construction of "raised dwellings" in that the cellar is excluded from the overall height of the building, even when a significant portion of the cellar is above grade. A cellar can add as much as half a storey to the overall height of the building.

Zoning By-law - Special Exemptions

Notwithstanding the provisions of the "C" District, By-law No. 6593 provides for special exemptions for lots of record which do not meet the minimum lot width, depth or area requirements of the Zoning By-law. The special exemptions are:

Side Yard: Subsection 18(3)(v) allows for reduced side yards for existing lots of record that do not comply with the requirements of the By-law (10% of the width of the lot to a minimum 0.9 metres) (eg for a 10 metre wide lot, the required side yard would be 1.0 metre).

Rear Yard: Subsection 18(3)(v) allows for reduced rear yards for existing lots of record that do not comply with the requirements of the By-law (25% of the depth of the lot to a minimum of 3.0 metres) (eg for a 20 metre lot, the required rear yard would be 4.0 metres).

In order to maintain the streetscape, the Zoning By-law permits a reduction to the required front yard. Subsection 18(3)(iii) allows for a reduction to the required front yard by a maximum of 30% based on the average of the adjacent dwellings where said dwellings are less than 30 metres apart (ie from required 6.0 metres to 4.2 metres).

The Zoning by-law also permits an increase in height provided that the side yard and rear yard are increased beyond the normal requirements for the district. Specifically, Subsection 18(2)(i) allows for an increase in height to a maximum of three storeys by increasing side and rear yard

setbacks by 1.5 metres and 3.0 metres respectively beyond the ordinary requirements of the Zoning By-law.

Summary of Survey Findings

A total of 14 municipalities were contacted regarding maximum building size regulations. Five municipalities advised that they have established special regulations in their zoning by-laws to regulate "Monster Homes".

The majority of the municipalities contacted have established a maximum linear height for single detached dwellings (eg 10.5 metres) as opposed to regulating the maximum number of storeys. As previously noted, in the City of Hamilton that portion of the basement or cellar which is above grade is excluded in determining if the proposed dwelling complies with the maximum height restrictions in the "C" District.

In conjunction with a maximum linear building height, municipalities utilize a maximum lot coverage ratio. Lot coverage refers to the size of building footprint divided by total lot area. The maximum lot coverage cannot be exceeded even if the proposed dwelling complies with all of the minimum yard regulations of the applicable zoning by-law.

An alternative method of regulating building size is through the use of a maximum gross floor area (GFA) ratio or floor space index (FSI). Whereas a lot coverage ratio regulates the external size of the building footprint, a GFA ratio regulates the amount of internal space permitted. The GFA ratio relates the internal floor area of a building to the total area of the lot. For example, a GFA ratio of 0.5 would permit a maximum dwelling size of 180 metres² (1,938 feet²) on a 360 metre² (3,875 feet²) lot.

The City of Etobicoke Planning Department advised that the use of a maximum gross floor area (GFA) has proven to be problematic. In Etobicoke, dwellings have been constructed with large "great rooms" with ceilings two stories high. After the house is built, an application is made for relief from the maximum GFA requirements to permit a reduction in the size of the "great room" by putting in a second floor. The applicants contend that the proposed change will not have any affect on the neighbourhood given that there will be no changes to the external dimensions of the house. The problem in Etobicoke is that dwellings have been built with electrical outlets 3-5 metres above the floor in the "great room", at approximately the location where an outlet should be if there were a second floor. To resolve this problem, the City of Etobicoke Zoning By-law has been amended to include the "void area" in the calculation of gross floor area by doubling the floor area for any portion of a dwelling above the basement or cellar where the floor to ceiling height exceeds 4.6 metres. Given that 4.6 metres is the minimum height needed to physically accommodate two floors, the doubling of the floor area in "great rooms" equates to the area where a second floor would normally be.

Below grade parking has been prohibited in some municipalities in response to people converting their garages into additional living area or into an accessory apartment. However, a general prohibition on below grade parking has implications on the design and layout for new residential construction. The requirement that the prerequisite parking be provided at grade can result in the construction of small lot singles dominated by a garage. This can have important implications for the built-form characteristics of a neighbourhood.

Several municipalities advised that the "monster home" issue is often concentrated to certain geographic areas of the municipality. Typically, the areas are characterized by small, wood frame, single detached dwellings which are smaller than the maximum size permitted under the regulations of the Zoning By-law. In response to neighbourhood concerns regarding the introduction of large single detached dwellings that are out of character with the neighbourhood, several municipalities have enacted special zoning provisions in specific geographic areas to control the size, bulk and massing of new dwellings to ensure compatibility with existing dwellings.

Major Issues

Although the new dwellings are being constructed in accordance with the regulations of the Zoning By-law, there is a concern with the compatibility of the "monster homes" with the surrounding neighbourhood. In many areas, the existing housing stock generally exceeds the minimum setback requirements of the zoning by-law. The size and mass of the "monster homes" can have an adverse effect on the streetscape and adjacent properties. Examples of the existing housing stock and new construction in the Ainslie Wood Neighbourhoods are contained in Appendix "A". Compatibility relates not only to the use, but also the built form in terms of such factors as size, scale and massing. As such, it is necessary to regulate the height and bulk in relation to the general character of the neighbourhood in accordance with Subsection C.7.3 of the Official Plan, as revised by Official Plan Amendment Nos. 109 and 128. In developing the preferred option, consideration must be given as to whether the Zoning By-law amendment should be neighbourhood specific or a City-wide Zoning By-law amendment.

Therefore, there are two main problems: building height and building mass. The options pursued to address these problems have implications as to whether a neighbourhood specific or City-wide zoning amendment is adopted.

Development of Options

Given that the problem is twofold (building height and building mass), the options must address the overall height of the building and the overall size of the building. The first set of options relate to regulating the overall height of the building. The second set of options address overall building size. As such, the preferred option for regulating "monster homes" will incorporate one mechanism to control building height used in conjunction with another mechanism to control

overall building mass.

A. Building Height

Dwellings are being built in compliance with the maximum height regulations established in the Zoning By-law. However, these buildings have the appearance of being greater than the maximum 2½ storeys permitted in the Zoning By-law. The new dwellings are 2½ storey "raised dwellings" in that the floor of the first storey is significantly higher than the finished grade. As such, the dwellings have the appearance of being 3 storeys high.

There are four options to address the issue of overall building height. The options are:

- reduce the maximum permitted building height from 2½ storeys to 2.0 storeys;
- use metres, not storeys to regulate maximum dwelling height;
- alter the definition of basement/cellar/storey to reduce overall height of building;
or,
- do nothing - leave as is.

Option 1, reducing the maximum permitted building height from 2½ storeys to 2 storeys, would restrict the overall height of the dwellings. The Building Department has advised that the majority of the new single detached residential construction is being built at 2 storeys or less. The reduction from 2½ to 2 storeys would allow for the construction of dwellings with ceilings in excess of the typical 2.5 metres or alternatively dwellings with high rooflines.

Option 2, establishing a maximum linear height, would impose a height cap and as a result would control the creation of "raised dwellings" where the basement is constructed at the equivalent of one-half storey above grade. The "R-4" District (Small Lot Single Family Detached) imposes a maximum building height of 11.0 metres, regardless of the number of storeys built.

Option 3, revising definitions, would entail altering the definitions of basement, cellar and storey in Section 2 of the Zoning By-law. The definitions would be amended to limit the amount of the basement or cellar constructed above grade in order to reduce the overall built height of the dwelling. Under the definition of "storey", if the ceiling is more than 1.8 metres above grade, then that portion of the building is considered to be the first storey. Dwellings are being constructed with the maximum permitted height of the basement ceiling above grade height but not so high that the basement is classified as the first storey (i.e. the basement ceiling is less than 1.8 ms above grade). This results in the creation of "raised dwellings" which appear to have an overall building height of 2½ or 3 storeys.

Option 4, the "do-nothing" option would maintain the status quo and as such it is not considered to be a practical option.

B. Building Mass

It is necessary to address the issue of overall building mass or building size because the new dwellings are significantly larger than the existing housing stock in the neighbourhood. The minimum yard regulations of the "C" District in Zoning By-law 6593 result in a building envelope that is equal to approximately 44% of the total lot area. As such, on a 360 metre² lot, each storey can have a floor area of approximately 158 metres². (1,700 feet²).

There are five options to address building mass:

- delete special exemptions section of Zoning By-law as it applies to certain neighbourhoods;
- establish a maximum lot coverage ratio;
- establish a maximum GFA or FSI;
- increase side, front and/or rear yard requirements; or,
- do nothing - leave as is.

Option 1, delete special exemptions to permit reduced setbacks, would reduce the building envelope for existing lots of record which do not comply with the minimum lot width, depth or area. Based on a sensitivity analysis of the effect of the special exemptions in increasing building size, the most important reduction relates to the required front yard. A reduction in the minimum required front yard from 6.0 metres to 4.2 metres allows for an additional 17.3 metres² (186 feet²) per storey. In addition, the reduced front yard allows for an approximate 11% increase in lot coverage. However, as the front yard reduction is based on the average front yard of the adjacent dwellings, the reduced front yard is important in maintaining the streetscape.

The second option, a maximum lot coverage ratio, would limit the size of the building footprint. Lot coverage refers to the size of building footprint divided by total lot area. The maximum lot coverage cannot be exceeded even if the proposed dwelling complies with all of the minimum yard regulations of the zoning by-law. A maximum lot coverage ratio discourages the construction of single storey dwellings in that a restriction is placed on the external size of the dwelling. Accessory buildings would be subject to the maximum lot coverage ratio.

Option 3 would utilize a maximum gross floor area (GFA) ratio or floor space index (FSI). Whereas a lot coverage ratio regulates the external size of the building footprint, a GFA ratio regulates the amount of internal space permitted. A FSI requirement is used in regulating apartment building size in Zoning By-law 6593 in the multiple dwelling districts (eg "DE" and "E" Districts). The Building Department has advised that the majority of the new single detached dwellings are being constructed in the 111.5 - 176.5 metre² (1,200 - 1,900 feet²) range. Based on a minimum lot size requirement of 360 metre², a maximum FSI of 0.5 would permit the construction of a 180 metre² (1,937 feet²) dwelling. In those situations where a proposed dwelling exceeds the maximum permitted FSI, the proponent could apply for a rezoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

A maximum GFA or FSI requirement would regulate the usage of attic areas as habitable space. The zoning by-law does not regulate the use of the attic. The attic can provide a significant increase in the total occupied floor area. As such, it is appropriate to include the attic area in the GFA or FSI calculation where the roof support structure allows for the utilization of the attic as habitable space.

The introduction of a maximum FSI does have implications for the Building Department. At the present time, zoning conformity relates to new construction only. The introduction of a FSI will require that the proponent submit detailed plans of the existing building showing total floor area. The cost of preparing these drawings will be borne by the applicant and will require additional staff time in reviewing building permit applications for additions to existing dwellings.

Option 4, increased yard requirements, would reduce the building envelope. However, this could have an adverse effect on the streetscape and could create numerous legal non-conforming situations necessitating applications to the Committee of Adjustment to permit building additions and renovations by homeowners.

A variation on Option 4 would be to establish increased minimum yard requirements for 2 and 2½ storey buildings. However, in those situations where a second storey addition is proposed on an existing one storey dwelling, the addition would either have to stepped back or alternatively the property owner could seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

Option 5, the "do-nothing" option would maintain the status quo and as such it is not considered to be a practical option.

C. Neighbourhood or General Zoning By-law Amendment

In those incidents where new residential construction is not compatible with the size, height and scale of the surrounding residential dwellings, the new dwellings are labelled as being "monster homes". In order to regulate the construction of "monster homes", there are two options. The options are:

- amend the zoning by-law on a neighbourhood specific basis; or,
- a general city-wide Zoning By-law amendment.

It is the general intent of the Official Plan to support development within residential areas through infilling or redevelopment where said development recognizes and enhances the scale and character of the existing residential area. To date, the construction of "monster homes" has occurred primarily in the Ainslie Wood Neighbourhoods.

Within the newer residential areas, development occurs on a comprehensive basis and as such the new houses are compatible with each other in that they are of similar size, height and

building mass. As previously noted, the majority of the new single detached dwellings are being constructed in the 111.5 - 176.5 metre² (1,200 - 1,900 feet²) range. As a result of the comprehensive development pattern that has occurred, the issue of compatibility between residential dwellings has not proven to be problematic.

The City has been encouraging redevelopment of existing residential areas. The size of the lot directly affects maximum dwelling size. In areas with large lots, the construction of 275 - 465 metre² (3,000 - 5,000 feet²) dwellings are appropriate (eg Ranko Court, Artistic Boulevard). In addition, the City has been encouraging reinvestment in established neighbourhoods on the mountain. In these areas, the size and scale of new construction has been compatible with the surrounding residential dwellings. The construction of "monster homes" has generally not occurred in these areas because the new dwellings are similar in terms of size, height and mass.

Within the Ainslie Wood Neighbourhoods, the majority of the housing stock was constructed in the 1946-1960 time period. The dwellings are generally smaller than the maximum building size permitted under the provisions of the "C" District. Based on the 1991 Census, there were on average 6.6 rooms per dwelling or less (the average is 4.8 in the Ainslie Wood West Neighbourhood). New dwellings have been constructed with two to five times the average number of rooms (between 12 and 18 rooms). In order to ensure that new residential development is compatible in terms of scale and character of the existing residential areas, the Zoning By-law should be amended for Ainslie Wood Neighbourhoods regarding building height and FSI, as per the preferred options, as opposed to a general City wide zoning by-law amendment.

Preferred Option

Based on a review of the options and experiences in other municipalities, the preferred option is to reduce the maximum permitted building height in conjunction with establishing a maximum permitted Floor Space Index ratio specific to the Ainslie Wood Neighbourhoods. In order to implement the preferred option, the following changes to Zoning By-law No. 6593 are required:

Subsection 9(2) of the Zoning By-law should be amended to state that the maximum permitted height for any building shall be 2 storeys or 9 metres, whichever is the lesser of the two. This will regulate the maximum height as built of "raised dwellings" where the first storey is constructed at the equivalent of one-half storey above grade.

A new subsection, Subsection 9(7), Floor Area Ratio, should be added to establish a maximum building floor area equal to 50% of the lot area (no single detached dwelling shall have a gross floor area greater than the area within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.5).

The definition of "Gross Floor Area" (Subsection 2(J)(viii)) should be amended to exclude the deductions for mechanical equipment, oversized hallways, parking spaces,

utility conduits from the definition of gross floor area for single detached dwellings. Alternatively, a definition of gross floor area specific to single detached dwellings could be developed.

Recommendation

Based on the foregoing, it is appropriate to schedule a formal public meeting of the Planning and Development Committee to gain public comment on the various options prior to the Committee making a final decision on this matter.

CLF/SR/sr
Monsters

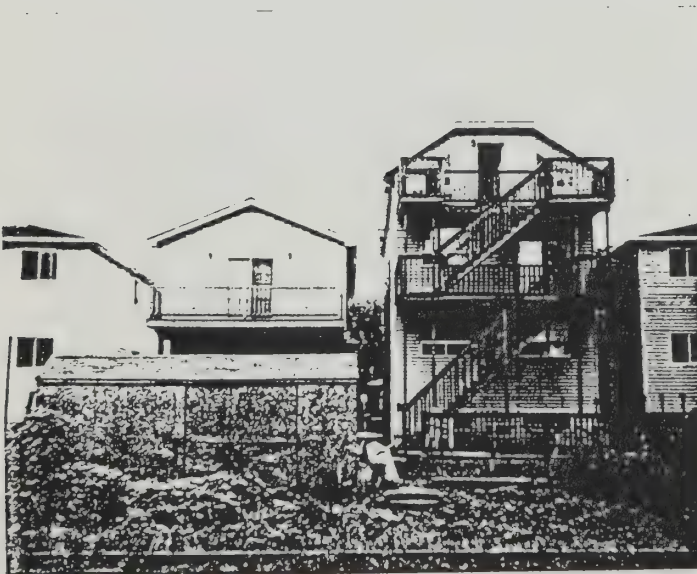
APPENDIX "A"



155 & 157 Ward Avenue



121 Ward Avenue



86 Ward Avenue
(Rear view)



28 Norfolk Street
(Rear View)

4a)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 08 1994

DATE: 1994 August 12

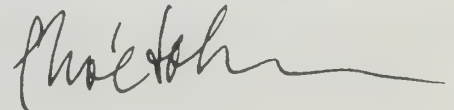
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Lot Grading Control

RECOMMENDATION:

That the recommendation of the Senior Director, Roads Department and Commissioner, Building Department dated January 24, 1993 regarding Lot Grading Control with respect to Land Severance Applications Creating One, Two and, Three Lots be approved and recommended for Council approval.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.

BACKGROUND:

City Council at its meeting held 1994 May 31, referred back Section 11 of the Ninth Report of the Planning and Development Committee for 1994, as amended, as follows:

- "11. That on land severance applications of one, two or three lot developments:
- (a) That the Land Division Committee be informed that the City of Hamilton requires as a condition of approval of such applications:

- (i) That the applicant, prior to the granting of Consent to a severance, enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
 - (a) That the applicant's engineer prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel; and,
 - (b) That the applicant's payment of fees be as follows:
 \$153. per parcel for grading inspection
 \$350. administration fee per Agreement
 A refundable security of \$2,000. per parcel to be refunded when lot grading certified completed; and
 - (c) Agreement to give the City of Hamilton an easement to enter the land to complete the approved grading; and,
 - (d) That the applicant complete the grading within six months of insulation inspection date or the City of Hamilton has the right to complete the grading; and,
 - (e) That the Security Deposit be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by the Building Commissioner.
 - (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership and registration of the Agreement, and its easement, to the City; and
 - (iii) That the said Lot Grading Agreement to be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other Department submitted to the Land Division Committee.
- (b) That upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed:
- (i) That the City Clerk be authorized to execute a discharge of the Lot Grading Agreement; and,

- (ii) That the balance of the security received by the City that is not required for enforcement, be refunded to the applicant without interest.
- (c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided herein; and,
- (d) That the Building Department staff complement be increased by one Customer Service Representative. This position will remain vacant until such time as revenues are sufficient to fund the costs."

The Planning and Development Committee at its meeting held 1994 June 22, resolved as follows:

Following discussion, the Committee resolved to **table** the matter, in order that the report for One, Two and, Three Lots be amended to have the registration remain on title, and in order that a new report be brought back regarding Sub-division Agreements which will state that the registration for lot grading control also remain on title for them.

Currently lot grading within subdivisions and modified subdivisions is regulated through the subdivision agreement. Once lots have been graded to satisfactory elevations and same are certified by the developer's engineer, the Subdivision Agreement is discharged.

Subsequently in the event that grades are altered and adjacent lands are negatively affected, the person who is negatively affected, can initiate a private civil action against the owner of land who has changed the grades.

Further to the direction of the Planning and Development Committee at its meeting of 1994 June 22, Law Department staff met with "developer" and "resale" lawyers of the Hamilton Law Association Real Estate Section to discuss the mechanics of continuing lot grading obligations in perpetuity against owners of homes in subdivisions and owners of homes built on severed lots. As a result of our discussion a number of consequences to a new City approach involving indefinite registration of subdivision agreements were identified, as follows:

1. lawyers acting for purchasers of homes in subdivisions, where lot grading obligations were retained by not discharging the subdivision agreement would inevitably require from the City:

- (i) compliance reports or discharges of lot grading obligations;
 - (ii) particulars of grading specifications, plans, and actual elevations;
 - (iii) relief where grades have been altered;
 - (iv) request for inspections, meetings etc;
2. more grading difficulties will be brought to the City's attention than at present as the City will be assuming an indefinite period of regulation. A greater amount of City resources could be expected to be required to resolve the disputes that would accompany ongoing regulation obligations;
 3. purchasers of re-sale homes in areas covered by grading regulation would likely have to incur additional expenses to have grades on their properties confirmed to be in compliance with grading plans by a Surveyor or Engineer;
 4. as only new areas would be covered by such indefinite regulation, there would be separate systems of regulation within the City depending upon the age of the developments. (i.e. current development would be exempt)

The grading problems associated with the rapid development experienced in the 1980's will all likelihood not repeat itself as the City has, in recent years, substantially revised lot grading provisions with pregrading responsibilities and tighter time deadlines for compliance and with grading requirements.

As a result of reviewing this matter in further detail with the Building and Roads Departments, we are of the opinion that it would not be in the best interests of the City to impose lot grading obligations indefinitely on home owners.

Accordingly, the recommendation is made above that the original report dated January 24, 1993 made by the Building Commissioner and by the Senior Director, Roads, which provides for grading regulations of 1, 2 and 3 lot severances for the same standards of four lot severance and subdivisions, be adopted.

PNJ/AZ/cv/ag

cc: L. C. King, Building Commissioner

Attention: P. Lampman

cc: E. M. Gill, Senior Director, Roads Department

Attention: E. Chajka

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 24, 1993

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. E. M. Gill, P. Eng.
Senior Director, Roads Department

Mr. L. C. King, P. Eng.
Commissioner
Building Department

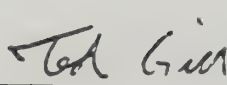
SUBJECT: Lot Grading Control with Respect to Land Severance
Applications Creating One, Two and, Three Lots.
(E205-05) (93.2.4.2.1.A, 93.2.6.1)

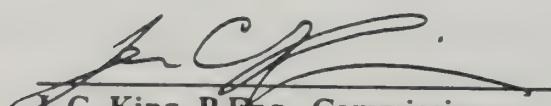
RECOMMENDATION:

On land severance applications for one, two, or three lot developments,

- a) That the Land Division Committee be informed, that the City of Hamilton requires, as a condition of approval of such applications,
- (i) That the applicant (prior to the granting of Consent to a severance) enter into and register on title to the land being developed, a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
- (aa) Applicant's engineer to prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel;
- (bb) Applicant's payment of the following fees:
- for grading inspection, a fee of \$153.00 per parcel;
 - administration fee per agreement \$350.00;
 - a refundable security of \$2,000 per parcel, to be refunded when lot grading certified completed;
- (cc) Agreement to give City of Hamilton an easement to enter the land to complete the approved grading;

- (dd) 1) Grading to be completed by applicant within six months of insulation inspection date or City of Hamilton has right to complete the grading.
 - 2) Security deposit to be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership, registration of the Agreement (and its easement) to the City;
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other departments submitted to the Land Division Committee.
- b) Upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed,
 - (i) The City Clerk is authorized to execute a discharge of the Lot Grading Agreement,
 - (ii) That the balance of the security received by the City not required for enforcement, be refunded to the applicant without interest.
- c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided for herein.
- d) That the Building Department staff complement be increased by one Customer Service Representative. This position to remain vacant until revenues are sufficient to fund the costs.


E.M. Gill, P. Eng., Senior Director
Roads Department


L.C. King, P.Eng., Commissioner
Building Department
EMG/CU/LCK/PCL/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is no financial impact on the City of Hamilton's budget in that the projected annualized costs of \$55,000 will be entirely offset by anticipated revenues.

Lot grading controls imposed as a condition of approval to "Land Severance Applications" before the Land Division Committee is recommended above as it is the most cost effective method to regulate grading on newly established one, two, and three lot severances.

Annualized gross costs of \$55,000 would be incurred to implement and operate the new lot grading requirements. These would be entirely recovered by the proposed user fees. The Building Department would not hire any additional staff until such time as revenues are sufficient to pay either a full time employee or a contract position. The City Treasury Department has advised that additional costs may be incurred for maintaining records of the \$2,000 refundable security.

ANALYSIS:

The City of Hamilton could impose, as one of its conditions of severance approval that the applicant be required to enter into a Lot Grading Agreement with the City, so that the City could control lot grading related to land severances creating one, two, and three lots.

Under the above recommendation, the applicant would be required to have its engineer prepare a grading plan and inspection controls at the applicant's expense, in the similar manner that severances of four or more lots and subdivisions are presently handled. However, as the above controls are for three or less lots, it is considered that the Building Department, which already works closely with the small developers, can (in place of the Roads Department) under the existing administration and inspection fees, administer these controls without additional administrative costs to the City of Hamilton.

The applicant would as a term of the Agreement, be required;

- (a) Submit to the Building Department a detailed lot grading plan, prepared by a Professional Engineer, for each lot being developed. Staff would review the plans for obvious errors and ensure that the Engineer's seal and signature were on the plans.
- (b) To give an easement to the City of Hamilton to enter the property in the event the City decided to complete the grading as a result of the applicant not completing the grading as required in the Agreement.

- (c) To provide the City with a security deposit in the amount of \$2,000/lot to ensure the grading is completed.
- (d) Upon completion of the grading, as required, to have a Professional Engineer certify to the City of Hamilton, that the grading had been completed in accordance with the approved detailed grading plan. If the grading is not so completed, the City may complete the work and use the security deposit to recover its costs. The Lot Grading Agreement would be discharged after the City receives and accepts the grading certificates.

The City of Hamilton would charge the applicant an inspection fee of \$153 per parcel - maximum of \$459 for three lots - this is the same rate applicable to existing lot grading controls on subdivisions. An administration fee of \$350 per Agreement would also be charged to offset review and preparation costs.

The applicant's fees, payable to the City of Hamilton referred to above, will be \$503 to \$809 depending upon the number of lots being developed (maximum of three lots). These costs include an inspection fee of \$153 per parcel and \$350 for the Lot Grading Agreement. The applicant will also provide the City with a security deposit in the amount of \$2,000 per lot. This security deposit will be refunded after the grading has been completed and the City has received and accepted the grading certificates.

It is estimated that the applicant will also incur private engineering costs of \$400 to \$1,200 (depending upon number of lots being developed, maximum of three lots) plus related legal expenses.

The advantages with respect to regulating lot grading as part of the Land Division Process are:

- The City of Hamilton could control grading related to one, two, and three lot severances ensuring that neighbouring properties are not negatively impacted by new development.
- The applicant's fees and costs could be recovered like all other property development costs from the purchasers of the newly created lots, and from the increased value of the applicant's lands as a result of the granting of the severances. These costs will also be an investment against future potential claims for damages to neighbouring properties related to drainage.
- The City of Hamilton will offset much of its costs by utilizing the Building Department and charging inspection and administration fees.

The only limitation with respect to the above controls is that the land severance process would not regulate either in-filling or private homeowner grading disputes.

BACKGROUND:

The City of Hamilton currently controls lot grading,

- (i) With respect to lands developed under the subdivision process - with the Subdivision Agreement;
- (ii) With respect to four or more lots created by land severance - by a Modified Subdivision Agreement.

The Committee has requested our Departments to review the feasibility of also implementing lot grading controls where only one, two, and three lots are created by land severance. It is our conclusion that the preferred method to regulate such lot grading is by means of the Lot Grading Agreement process outlined in the above recommendation.

Alternatives:

We have also examined, but do not recommend, the following two alternative methods to regulate grading on one, two, and three lot severances.

1. Lot Grading Control through the Building Permit Process.
2. Lot Grading Control through the Site Plan Control Process.

1. Lot Grading Control through the Building Permit Process

The Building Code regulations appeared to impose lot grading control, however, upon review, it is recognized that the Code's references to grading are exclusively for the narrow purpose of protecting the integrity of the building foundation and not the general grading of the property and its adjacent lands. The Regulation controls the immediate area of approximately 1.0m around the outside perimeter of buildings to protect the building's footings. Therefore, the building permit process is not available to control lot grading.

2. Lot Grading through the Site Plan Process

The Site Plan Process could be utilized to control lot grading in one of two ways. The City of Hamilton could either adopt a By-law to require all developments within the City of Hamilton to be completed under Site Plan Control or, when lands are being severed, a condition of severance approval could be that a Consent to severance not be granted until the site is designated subject to Site Plan Control.

If the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development that will not be regulated by a Lot Grading Agreement (because no severance approval was required by the owner).

Lot grading control through the site plan process is not recommended at this time as it is a more complex review and time consuming process than required for one, two, and three lot severances. Further, such method of control would be more costly to the City of Hamilton and to the applicant than the Lot Grading Agreement recommended above.

Also, at the present time, due to enforcement problems, site plan control procedures are under staff review for improvements. The Lot Grading Agreement method recommended above will be more enforceable as it will include security and registration of the Agreement by the owner who is marketing his land.

Grading Controls for lands not being severed - established lots

The City of Hamilton's current policies as amended by the above recommendation, will control lot grading on all land severances, but not where there is in-filling development on established vacant lots and not where existing private properties are regraded.

Each year in Hamilton there are usually about 160 severances of one, two, and three lots. We receive only two or three concerns per year with respect to their grading. Approximately 30 to 40 grading inquiries are received annually regarding re-grading of private properties.

A number of municipalities were contacted to find out how they are handling lot grading related to lands developed under the land severance process. The municipalities contacted were the Town of Ancaster, City of Stoney Creek, City of Burlington, City of London, City of Mississauga, and the City of Oshawa. Although these municipalities require a grading plan to be submitted for approval with respect to severances, generally, lot grading disputes that arise between private property owners, where the properties are outside development control, are considered civil matters to be resolved by the parties only.

The City Solicitor has advised that the City of Hamilton has no jurisdiction under the Municipal Act to pass by-laws to regulate grading generally and to enter private property to enforce grading. If someone modifies their grading and it causes a negative impact upon the neighbouring properties, it is a matter between the neighbouring landowners. The private property owners must settle their dispute amongst themselves or failing a resolution, they have the option of litigating their dispute in the courts.

As noted above, under the Planning Act, if the City of Hamilton were to designate all lands subject to Site Plan Control, the City could regulate lot grading in respect of new in-fill development in addition to regulating grading on one, two, or three lots created by severance. If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

If municipalities had jurisdiction generally to regulate lot grading on existing houses and developments, requests for the City of Hamilton's enforcement of such disputes would escalate tremendously and would result in substantial administration costs to the City. Furthermore, enforcement of a by-law of this type would be extremely difficult because the City would be placed in the middle of private disputes and expected to resolve them. In order to resolve a common grading dispute, the City would have to:

- Determine what the nature of the topography was prior to the modifications.
- Determine how the grading problem can be resolved, i.e. regrading, adding and/or redirecting swales, installation of rear yard catchbasins, etc. .
- The property or properties involved would be required to be surveyed, a grading plan prepared, a contractor hired to complete the work, supervision and inspection of the work by City staff, etc..
- The City would have to attempt to recover its costs from the adjacent owners either through fines or the courts.

CONCLUSIONS:

- (a) If the Committee decides to implement grading controls on one, two, and three lots created by severance, we recommend that lot grading controls be implemented as a condition of the land severance creating these lots;
- (b) If the Committee is in favour of extending lot grading control to new in-fill development (that is not caught by controls under the land severance process) the Committee may refer this to staff for report back in conjunction with the pending report on improvements to the enforcement of the site plan control process.

c.c.- P. Noé Johnson, City Solicitor, Law Department
c.c.- A. Ross, City Treasurer, Attn: W. Gilchrist
c.c.- V. Abraham, Director of Local Planning
c.c.- L. Lanza, Secretary-Treasury, Land Division Committee, Planning Department

5a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 August 30 **SEP 02 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Ontario Home Renewal Programme -
Disabled (94.2.4.2.1.A)

RECOMMENDATION:

That the Mayor be requested to write the Premier of Ontario requesting that the Province of Ontario reconsider its decision not to fund the Ontario Home Renewal Programme - Disabled (OHRP-D).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Building Department recently received notification from the Ministry of Housing that the Ontario Home Renewal Programme - Disabled, was not going to be funded for the fiscal year ending March 31, 1995. The Department has been encouraged by the local office of the Ministry of Housing to continue to take applications in anticipation of funding being available this year. We also understand that there is little hope for Programme funding for 1995-96.

The Programme has been in place since 1989 and over the years more than \$2-million dollars has been allocated for home modifications in Hamilton. The maximum grant of \$15,000. can be used to make owner occupied homes accessible for disabled residents based on an assessment by an Occupational Therapist. As everyone must appreciate, the costs of accessibility work can be expensive and this grant, while often not providing for the total costs, did provide the catalyst for the owner to finance the balance. The latest position by the Province is certainly regressive in light of their overall goal to reduce the number of people in institutions and improve their quality of life.

At the present time, we have approximately fifty active applications and the attached letter has been sent to each advising them of the Province's position. The Department is also attempting to determine if any of the applicants are eligible for the federal programme which provides a limited grant to a maximum of \$5,000. The federal programme also has strict income levels which will eliminate most of the applicants currently on the waiting list.

While the Department is recommending the Mayor to write the Premier of Ontario, it is also suggested that a meeting should be arranged between members of the Planning and Development Committee and senior staff and the new Minister of Housing from Hamilton West, Dr. Richard Allan. This Programme has proved to be a tremendous success and every effort should be made to ensure its continuance.

LCK/JHR/dc
Attach.

BUILDING DEPARTMENT - LOANS DIVISION

71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-4540/Fax (905) 546-2762



City of
HAMILTON

1994 August 25

Dear Applicant:

Re: Ontario Home Renewal Programme - Disabled

The Building Department, Loans Division regrets to advise that the Province of Ontario has informed the City that funding for the subject programme has not been provided for the 1994 provincial fiscal year which ends March 1995. In addition, they have indicated that there has been no commitment made for 1995-1996. It is noted that we were encouraged to continue to process applications until our notification of last week.

Obviously, the Province has decided that there are more pressing concerns regarding housing and all their available resources have been directed to the non-profit and co-operative programmes. It is indeed unfortunate that the worthwhile and successful OHRP-D Programme has been a victim of provincial cutbacks.

The City will continue to lobby the present government to reconsider its' position and it is hoped that with the pending election that the need for accessibility programmes will become a political issue. We appreciate your needs and we can only hope that the government realizes that if they are to encourage people to stay in their homes they must provide some resources to make that worthwhile goal possible.

The Department will continue to keep your application open and should there be a change in Provincial policy we will contact you. The only other suggestion that we can offer at this time is for you to contact your Member of Provincial Parliament and voice your concerns. Also, if you are a member of an association (i.e., Easter Seals, Arthritis Society) please contact them and voice your concerns.

If additional information is needed, please contact the undersigned.

Yours truly,


John Robinson
Co-ordinator of Housing Loans

JHR/dc

561

CITY OF HAMILTON
- RECOMMENDATION -

SEP 15 1994

DATE: 1994 September 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Barton Street Revitalization (94.2.14, 94.2.4.2.1.A)

RECOMMENDATION:

1. That the Mayor with representation from the Planning and Development Committee, arrange a meeting with the Premier of Ontario to request the immediate implementation of the Barton Redevelopment Programme; and
2. That the Mayor be directed to send a letter to the Premier and the Minister of Economic Development and Trade in support of the ongoing negotiations between the Province and the Hamilton Arts Community requesting that the various arts projects proceed to implementation as Regional negotiations continue on the Red Hill Expressway alignment.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

As the Committee is aware, David Crombie in his report to Premier Rae, dated 1994 March 2 recommended a number of redevelopment proposals which could be included in the compromise on the Red Hill Expressway. The initial proposal, \$5-million dollars for Barton Street Redevelopment and \$5-million dollars for the "arts community" was contingent on a compromise position being accepted by the Region on the alignment for the Red Hill Expressway.

Over the past few months, tremendous enthusiasm has been built up among the owners and business tenants along Barton Street as well as in the Arts Community. Everyone is anxious to proceed, but unable to implement because of the on going negotiations on Red Hill. At the present time a Barton Street Implementation Committee has been established, made up of representation of staff, the Barton Street B.I.A., and the Hamilton Arts Council. The Committee also has representation from the Province of Ontario and the Planning and Development Committee. We have met over the summer and there are several joint projects which, with Provincial approval, could proceed. It is important that the momentum gained in the business and art community be maintained and further delays will only have negative effects on the needed community support.

To approach the Province now requesting separation of these completely unrelated issues is opportune, due to the fact the Region has made a counter proposal on the Expressway. The Barton Street Implementation Committee has requested that the Planning and Development Committee and City Council support the subject recommendations.

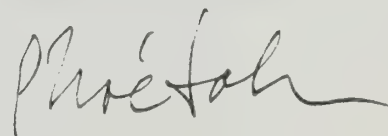
LCK/JHR/dc

CITY OF HAMILTON**- RECOMMENDATION -**

AUG 30 1994

DATE: 1994 August 26**REPORT TO:** Tina Agnello, Secretary
Planning and Development Committee**FROM:** P. Noé Johnson
City Solicitor**SUBJECT:** Penalty Sections for Various By-laws**RECOMMENDATION:**

That the appropriate By-law to incorporate offence and penalty sections in By-law Nos. 6593, 74-74, 87-150 and 74-290 be enacted.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

An estimate of the fines levied under the Zoning By-law and Property Standards By-law for 1993 would be around \$9,500.00.

BACKGROUND:

Council on March 9, 1993 in adopting Item 1 of the 5th Report of the Planning and Development Committee authorized the City Solicitor to apply for special legislation to authorize a penalty section for the By-laws governed by the Planning Act.

The City of Hamilton Act 1994 received Royal Assent on June 23, 1994. The Law Department reported the enactment of the Act to this Committee on July 19, 1994.

DISCUSSION:

The attached by-law incorporates the power given to the City of Hamilton Act 1994, to create penalty sections in the Zoning By-law, Property Standards By-law, Site Plan Control By-law and the Demolition Control By-law. If the by-law is passed the fines from any subsequent offence will belong to the City. Previously the Planning Act made the fines belong to the province.

PNJ/LEF/mm
Attach.

c.c. L. King, Building Commissioner
Attention: B. Allick, Manager of Field Services

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Provide For a Penalty Section

For Various By-laws

WHEREAS the City of Hamilton Act, 1994 received Third Reading on June 14, 1994 and Royal Assent on June 23, 1994.

AND WHEREAS the City of Hamilton Act, 1994 authorizes the Council of the Corporation of the City of Hamilton to enact a by-law to establish the offence and penalty sections for the Zoning By-law, Property Standards By-law, Demolition Control By-law and Site Plan Control By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enact as follows:

1. By-law No. 6593 is amended by deleting Subsection 4 of Section 20 and the following is submitted:

20.(4)(a): Violations and Penalties: Every person who uses any land, or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction shall be liable on a First Conviction to a fine of not more than \$25,000.00 and upon a subsequent conviction shall be liable to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day which the person was first convicted.

(4)(b): Despite Subsection 4(a), where a Corporation is convicted of an offence under this By-law, the maximum penalty shall be for the first conviction a fine of not more than \$50,000.00 and upon subsequent convictions a fine of not more than \$25,000.00 a day or part thereof upon which the contravention has continued after the day on which the Corporation was first convicted.

2. By-law No. 74-74 is amended by deleting Section 35 and adding the following section:

35(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$2,000.00 for a first offence and to a fine of not more than \$10,000.00 for any subsequent offence.

35(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed by the Corporation is \$10,000.00 for a first offence and \$50,000.00 for any subsequent offence.

- PASSED** this _____ day of _____, 1994.

MAYOR

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: St. Mark's Anglican Church, 130 Bay Street South -
Structural Review and Estimates for Maintenance and
Conversion to New Use (REVISED)

RECOMMENDATION:

- a) That a professional experienced in architectural conservation be hired to examine the current condition of St. Mark's Anglican Church, 130 Bay Street South, and provide cost estimates for the maintenance of the building and conversion to a new use; and,
- b) That Staff be directed to investigate costs for undertaking the action as noted in a (a) above in addition to investigating the availability of Provincial Grant Programs to offset these costs.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Application could be made for Provincial Grants to recover some of this cost.

*T. Agnello
per C. Touzel*

BACKGROUND:

City Council at its meeting held 1994 August 30 approved an Option to Purchase St. Mark's Anglican Church located at 130 Bay Street South at a purchase price of \$425,000.

The Local Architectural Conservation Advisory Committee is recommending that a structural review of the Church be undertaken to examine the current condition of the building and to provide estimates for its repair and restoration, given the building's historical and architectural significance.

A similar request was made to the Planning and Development Committee at its meeting held 1990 February 7 and at that time it was agreed that the following resolution be referred to the Director of Culture and Recreation:

That as part of the City's investigation into the possible restoration and re-use of St. Mark's Anglican Church located at 130 Bay Street South, the use of a feasibility study as per the attached procedures, be recommended.

Attached is a copy of the report as referred to the Director of Culture and Recreation in 1990 February.

attached

cc Alderman William McCulloch
Joe Pavelka, Chief Administrative Officer
Dan Vyce, Director of Property
Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Susan Reeder, Secretary, Finance and Administration Committee

Corporation of the City of Hamilton

Memorandum

TO: Mr. B. Sugden
Director of Culture and Recreation

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: Feasibility Study - St. Mark's Anglican
Church - 130 Bay Street South.

DATE: 1990 February 14

Please be advised that the Planning and Development Committee at its meeting held Wednesday, 1990 February 7th were in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 January 31, respecting the above-noted matter.

A copy of this report is attached herewith for your perusal.

The Committee approved the following and directed that it be forwarded to yourself:

That as part of the City's investigation into the possible restoration and re-use of St. Mark's Anglican Church located at 130 Bay Street South, the use of a Feasibility Study as per the attached, be recommended.

Trusting that confirmation of this matter is of assistance to you.

Susan K. Reeder

SKR:dbm

Attch.

c.c. - Ms. C. Coutts, Secretary
L.A.C.A.C.
- Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple

TO:
PLANNING

TO:
CITY

FEB 14 1990

REGIONAL MUNICIPALITY OF
HAMILTON

16.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1990 January 31

COMM FILE:
DEPT FILE:

SUBJECT: ST. MARK'S ANGLICAN CHURCH, 130 BAY STREET SOUTH - FEASIBILITY STUDY

RECOMMENDATION:

That as part of the City's investigation into the possible restoration and re-use of St. Mark's Anglican Church located at 130 Bay Street South, the use of a Feasibility Study (see attached procedure) be recommended.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

A Feasibility Study of this nature would cost approximately \$15,000 and part of this cost could be recovered by heritage funding contributions.

BACKGROUND:

The City's Co-ordinating Committee has given preliminary consideration to the recommendation of the Parks and Recreation Committee that the "5% Parks Dedication Fund" be used for the acquisition of the St. Mark's Anglican Church site. Possible uses for the existing church and its grounds include a children's museum, cultural centre or recreational facility. A recommendation from the Department of Culture and Recreation for the City to purchase the property is on the Parks and Recreation Committee's agenda for 1990 January 23.

The zoning application to permit the proposed mixed office/residential development on the St. Mark's site was denied by the Planning and Development Committee at its meeting held 1989 November 29.

St. Mark's Anglican Church is still owned by the Anglican Diocese of Niagara, but a recent zoning application has been denied because of excess density. The City is considering purchasing the property under the Parks Acquisition Fund and is presently investigating a possible use of the building.

Recommended Procedure

Since the preservation and conversion of an historic church building is a complex matter requiring the expertise of professionals experienced in the field of architectural conservation, the following procedure is being suggested as a systematic approach to investigating the potential use and costs of re-cycling the building:

1. Firstly, to provide a program for the proposed Cultural Centre, i.e., identify in detail the spatial and functional needs of the proposed centre;
2. Secondly, to approve a Feasibility Study with funding in the vicinity of \$15,000:
 - a) To undertake an examination of the current condition of the building and to provide estimates for its repair and restoration;
 - b) To investigate the requirements and costs of converting the building to a new use, in accordance with appropriate conservation methods, and to prepare preliminary sketch plans;
3. Thirdly, because of the specialized nature of the work, to undertake the following consultant selection:
 - a) Call for submission of qualifications and experience with particular emphasis on the restoration and conversion of historical buildings;
 - b) Send the Request for Proposal to a short list of qualified consultants to prepare proposals;
 - c) Compare submissions (fee proposal should be submitted in a separate envelope as is done in some cases with federal government projects, e.g. Armouries renovation).

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department
Mr. R. Sugden, Director of Culture and Recreation

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 September 21

CONSENT AGENDA

A. APPROVAL OF MINUTES

Minutes of the Meeting held 1994 August 24

B. ACTING DIRECTOR OF PUBLIC WORKS

Community Improvement Programme (C.I.P.) - Westdale Village Business Improvement Area (B.I.A.) 1994 Request

C. BUILDING COMMISSIONER

(a) Commercial Loan Programme - 250 Ottawa Street North

(b) Hamilton Emergency Loan Programme (H.E.L.P.):

(i) 221 Brucedale Avenue

(ii) 6 Frederick Avenue

(iii) 69 Houghton Avenue South

(c) Demolitions: (i) 206 Bay Street North
(ii) 82 Victoria Avenue North
(iii) 794 West 5th Street

(d) Hamilton Rehabilitation Programme - 43 Barton Street West

D. COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

(a) Zoning Application 94-24, Mrs. Hyesoon Lee, owner, to remove "H" symbol provision, for lands located at No. 60 Dalhousie Avenue

(b) City of Burlington Official Plan - City of Hamilton Response

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Sylvia Sackos, a resident of Bond Street, representing the residents was present and she was also concerned that there was no parking for employees on site and that they use Bond Street. She submitted in a Petition to the Chairperson with regard to this.

Mr. LeCluse, the applicant stated that he cannot accommodate staff working on the property.

Alderman Kiss stated that she can not support the approval because it is close to an environmentally area and because of the parking situation.

Alderman McCulloch stated that the residents should attempt to get permit parking from the Traffic Department. He explained that this is a a situation where the existing use is being legalized and nothing is being taken away from the natural area therefore he supports the application.

Alderman Merling concurred and asked a legal question as to whether the Addendum to provide parking can be added. Art Zuidema of the Law Department replied that the use can be zoned but not the user.

As recommended by the Commissioner of Planning and Development and the Director of Local Planning in a report dated 1994 August 15 the Committee recommended to Council as follows:

1. That approval be given to amended Zoning Application 94-10, John Lecluse in trust, prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, to permit the existing parking area to be used in conjunction with the existing automobile dealership (Sterling Honda), for property located at the rear of 925 Main Street West, shown on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That the subject lands be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District; and,
 - (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14. of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:

Notwithstanding Section 14 (1) of By-law No. 6593, only the existing parking area shall be permitted on the subject lands at the date of the passing of the by-law; and,
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1331, and that the subject lands on Zoning District Map W-33 be notated S-1331; and,
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33 for presentation to City Council; and,

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

*Alderman Kiss recorded as opposed.

2. Zoning Application 94-16, Constantine, Anna, Mark and Victoria Skypas, and Andrew and Irene Dabroski, owners, for a change in zoning from "AA" District "C" District, for lands located at the rear of 144 Limeridge Road East

Paul Mallard advised that the application is a condition of severance that the zoning be approved. He explained that it is an infill situation and that approval is recommended but there is one condition that the By-law be held in abeyance pending the erection of a 15 foot berm easement to be granted across the lands adjacent to the Red Hill Creek Freeway Alignment. An applicant was present in support of the application.

Paul Mallard advised that of the Notices sent 13 replied in favour and 1 opposed.

Alderman Merling asked questions with regard to the dedication of the freeway lands and the road allowances.

The applicant replied that he would be filing a Plan of Sub-Division and may be required to convey more land as a result of the Freeway.

As recommended by the Commissioner of Planning and Development and the Director of Local Planning and a report dated 1994 August 17, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application 94-16, Constantine, Anna, Mark and Victoria Skypas, Andrew and Irene Dabrowski, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of single-family detached dwellings, on lands located at the rear of 144 Limeridge Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (ii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-9B for presentation to City Council; and,
 - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That the amending by-law not be forwarded for passage by City Council until such time as the applicant conveys a 15.0 m wide berm easement in favour of the Region along the northern limit of the subject lands adjacent to the Freeway lands to the satisfaction of the Roads Department.

3. Zoning Application 94-08, Canadian National Railway Company, c/o CN Real Estate, Owner, for a change in zoning from "JJ" District to "CR-2" District, modified for Block "1", and to "DE-2", modified for Block "2", for lands located at 153 Cathcart Street, 194 Barton Street East, and 174, 180 and 186 Ferguson Avenue North

A submission was received by Alexander Alecksoff.

Paul Mallard advised that the purpose of this application is to permit development of an 8-storey building in Block 1 and a 3-storey townhouses or 4-storey apartment building in Block 2.

The Planning Department is in support since it promotes residential opportunities in the downtown and is consistent with the neighbourhood plan.

A number of variances have been made in the recommendations and most are consistent with the Carter Square Development. Of 220 Notices circulated, 18 have replied in favour and 2 have replied in opposition.

The Agent was present in support of the applicant. Peter Tice representing Hotz and Sons was present. Hotz is a neighbour of the site. They support the development but they want to be on record as stating that they are concerned that new residents may be concerned with the location of drums on the property and the operation which is located on the property.

Mr. Tice requested that the concern for this potential interference of the Hotz and Sons operation be recorded.

Alderman McCulloch stated that this is an important step forward for the Ferguson Avenue development and that CN should be thanked for being flexible with the development.

As recommended by the Commissioner of Planning and Development and the Director of Local Planning, the report dated 1994 August 15 the Committee recommended to Council as follows:

- (a) That approval be given to amended Zoning Application 94-08, Canadian National Railway Company, c/o CN Real Estate, owner, requesting changes in zoning from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District, modified for Block "1", and to "DE-2" (Multiple Dwellings) District, modified for Block "2", for lands located at No. 153 Cathcart Street, No. 194 Barton Street East and Nos. 174, 180 and 186 Ferguson Avenue North, shown as Blocks "1" and "2", on the attached map marked as APPENDIX "C", on the following basis:
 - (i) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District; and,
 - (ii) That Block "2" be rezoned from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District; and,

- (iii) That the "CR-2" (Commercial-Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593, applicable to Block "1" of the subject property be modified to include the following variances as special requirements:
- (1) Notwithstanding Section 15B.(8)(b) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 26.0 metres (85.30 feet) in height; and,
 - (2) Notwithstanding Section 15B.(9) and (11) of Zoning By-law No. 6593, a minimum westerly side yard depth of 3.0 m shall be provided and maintained on the subject lands; and,
 - (3) Notwithstanding Section 15B.(9)(a) and 11(a) of Zoning By-law No. 6593, a front yard not less than 5.0 m in depth shall be provided and maintained from the widened limits of Barton Street East for any portion of the building above two (2) storeys in height; and,
 - (4) Notwithstanding Section 15B.(16)(a) of Zoning By-law No. 6593, a building or structure comprised of a joint residential use and commercial use, shall have a gross floor area of not more than the product of area of the lot in the district in which it is situated multiplied by a floor area ratio factor of 2.25; and,
 - (5) Notwithstanding Section 15B.(16)(b) of Zoning By-law No. 6593, the residential portion of a joint residential use and commercial use, shall have a gross floor area of not more than the product of the area of the lot in the district in which it is situated multiplied by the floor area ratio factor of 1.7; and,
- (iv) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to Block "2" of the subject property be modified to include the following variances as special requirements:
- (1) Notwithstanding Section 10B(1) of By-law No. 6593, townhouse units subject to the "RT-20" District provisions of Section 10E shall be permitted on the subject lands; and,
 - (2) Notwithstanding Section 10B.(2) of Zoning By-law No. 6593, no building or structure shall exceed four (4) storeys or 17.0 metres (55.77 feet) in height; and,
 - (3) Notwithstanding Section 10B.(3)(i)(b) of Zoning By-law No. 6593, a minimum front yard depth of 3.0 m shall be provided and maintained on the subject lands; and,
 - (4) No individual access driveways for townhouses shall be permitted from Ferguson Avenue North; and,
- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1330, and that the subject lands on Zoning District Map E-3 be notated S-1330; and,

- (vi) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-3 for presentation to City Council; and; and,
 - (vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (b) That final Site Plan Approval be withheld until the municipality is notified by the Ministry of Environment that the decommissioning process has been satisfactorily completed.
4. Zoning Application 94-11, Roy Gordon Smith, In Trust, owner, for a modification to the "H" District regulations for Block "1" and the "C" District regulations for Block "2", for, for lands located at 1500 and 1502 Main Street East

Submissions were received from the following:

- (a) Lorenzo and Julia Micheli, 1505 Main Street East
- (2) Audrey Beniach for Anne Beniach, 7 Barons Avenue South
- (3) Norman Chan, 1513 Main Street East

Paul Mallard advised that a 98 bed seniors facility is being proposed for a 2-storey complex. The complex will be approximately 400 feet long. The Planning Department is concerned with the fit of the building, the residential character of the area, and over-intensification. It does not comply with the intent of the Official Plan but if approved an Official Plan would not be required.

The applicants want to provide 20 parking spaces whereas 33 parking spaces are required. There is also concern with the inconsistency with the intent of the Residential Care By-law whereby only 6 - 20 residents are permitted. The Planning Department is willing to support 24 residents but not 98. Therefore the Planning Department opposes the application mainly on the basis of over-intensification of the use, size and fit with the surrounding neighbourhood. Of the Notices circulated 31 replied in favour and 20 were opposed.

Milton Lewis, Agent on behalf of the Applicant was present and also introduced Brian Hinkley and Sid Sidiki, Consultants on behalf of the Applicant.

Mr. Lewis stated that in 1990 there was an OMB Hearing which was lost when the applicant proposed commercial and residential uses for this Lot. The Chairperson of the OMB at that time stated that there should be some use of the property in keeping with the neighbourhood and an alternate use is now being proposed. He stated that the issue is one of density and he would be pleased to meet with staff and residents to discuss this.

The delivery issue is not a big issue as most businesses use small vans. He also pointed out that the majority responses were in favour of the application. He stated that he represents the Vendor but that the potential purchasers are the Kozars who operate first class retirement facilities. In order to make the business viable, the size of 98 beds is being recommended but the applicant is willing to work on this.

Mr. Mumford Bugoes of 1504 Main Street East was present and stated that he does not want the alleyway in the rear open.

Ruth VanHorne of 22 Tragina Avenue South was present. She is a thirty-one year resident who is opposed to the application. She stated that this is a unique circumstance where the property runs in back of homes on both Barons Avenue and Tragina Avenue. She said that the best use for the property would be for the City to buy it and make a park. In her opinion, the ingress and egress is dangerous since there would be major traffic flow from both staff and visitors. Twenty parking spaces are not enough. She said that the property has been grossly overgrown with weeds and vegetation.

She stated that there is presently an illegal use of the property since parked cars are going well to the rear of the property. She also stated that she may consider a 24 resident proposal if the traffic concerns are alleviated.

Frank MacDonald, a resident, concurred with Ms. VanHorne and also stated that his property would be overshadowed by the sun and he would not be able to have any sunshine in his yard if this building is erected.

Mike Marzucco of 26 Tragina Avenue South was present and objected to potential increased traffic.

Mr. Lewis explained that the alley is to be turned over to property owners to the east. The height of the building is compatible with the surrounding buildings and the shape of the building accommodates the unusual Lot. He again reiterated that he would work with all stake holders to develop something that will benefit everyone.

Alderman Wilson was opposed on the basis of traffic, lack of parking spaces and also stated that the potential owners do not have a great record with regard to retirement homes.

Alderman Copps stated that most of the objectors are the abutting residents on the east side of Barons Avenue and the west on Tragina Avenue. In response to a question to Alderman Copps, Mr. Lewis explained that the height of the building would be 30 feet. Alderman Copps felt that a 30 feet structure would overshadow homes which are 12 feet from the property line. She was also concerned with access for emergency vehicles. In her opinion, the use is too intense.

Alderman Copps added that if this matter is tabled for consultation, she would like members of the community to be involved in the process.

Alderman Eisenberger felt that most buildings in the area are 1 or 1-1/2 storeys. He admitted that infilling would benefit the community in that all amenities for the seniors exist, but that the density and scale is too large. He supported tabling in order that further negotiations may be held between the applicant, staff and residents. In his opinion, a 1 storey building with half the density would be much more desirable.

Alderman Merling was concerned since the width of the Lot is 100 feet and 60 feet in the rear. A development would be too intense for such a Lot.

A motion was placed on the floor to deny the recommendation as recommended by the Commissioner of Planning & Development and the Director of Local Planning in a report dated 1994 August 16, and was defeated.

Subsequent to that, a motion was placed on the floor to table the matter with instructions that staff, the applicant and some residents of the neighbourhood be involved in discussions to resolve concerns with this plan. This motion was carried.

Alderman Drury advised the residents present that should the application be modified the residents would be advised of the next meeting through a re-circularization.

5. Proposed Walkway Closure - Between Nos. 300 and 304 St. Andrews Drive (Vincent Neighbourhood)

Alderman Agostino was present with regard to this matter.

Alderman Eisenberger stated that a public meeting has been held and all the residents are in favour of the closure.

Alderman Wilson was concerned that the Traffic Department is opposed to the Closure since this will not allow access to green space.

As recommended in a report dated 1994 August 16 from the Commissioner of Planning and Development and the Director of Local Planning, the Committee recommended to Council as follows:

- (a) That the existing walkway located between 300 and 304 St. Andrews Drive in the Vincent Neighbourhood, as shown on the attached Appendix "D", be deleted from the approved Vincent Neighbourhood Plan; and,
- (b) That the closure be referred to the Transport and Environment Committee for implementation.

6. Official Plan Housekeeping Plan Amendment

Bill Janssen explained that this Housekeeping Amendment basically was the following:

- * It adds a new section with regard to noise safety and vibration.
- * It has some wording changes
- * It incorporates changes to land use schedules.
- * He stated there have been no enquiries or written submissions on the Proposal.

Alderman Kiss was concerned that there was only one Notice in the paper. She requested tabling of the matter to permit people in the community to have input on this matter. The request for tabling was not seconded.

As recommended by the Commissioner of Planning and Development and the Director of Local Planning in a report dated 1994 August 5, the Committee recommended to Council as follows:

- (a) That approval be given to the Official Plan Amendment No. 128, attached as APPENDIX "E" (distributed to the Members of City Council under separate cover), as follows:
 - (i) to introduce a new Subsection C.9 titled "Safety, Noise and Vibration"; and,
 - (ii) to incorporate minor wording changes to the text of the Official Plan; and,

- (iii) to incorporate changes to Schedule "A"- Land Use Concept, Schedule "B"- Special Policy Areas, Schedule "C" - Hazard Lands, and, Schedule "D" - Environmentally Sensitive Areas; and,
- (iv) to delete the existing Schedule "B-3" - Other Special Policy Areas and replace it with a new Schedule "B-3"; and,
- (b) That the Planning and Development Department be directed to prepare a by-law of Adoption for submission to City Council.

7. Referral Back from Council

- (a) Demolition Reports from the Commissioner, Building Department, for 131 Forest Avenue and 137 Forest Avenue dated 1994 June 13
- (b) Demolition Reports from the Commissioner, Building Department, for 131 Forest Avenue and 137 Forest Avenue dated 1994 August 18.

The applicant was present and in support of the application. Paul Phil, Solicitor, was present on behalf of the applicant.

Len King advised that the Building Department can be authorized to issue a Demolition Permit once the Building Permit has been issued.

The Committee concurred and resolved to recommend to Council as follows:

- (a) That the Building Commissioner be authorized to issue a demolition permit for 131 Forest Avenue upon the issuance of a building permit.
- (b) That the Building Commissioner be authorized to issue a demolition permit for 137 Forest Avenue upon the issuance of a building permit.

8. DIRECTOR OF PROPERTY - HAMILTON FIREFIGHTERS DRUM CORP INC. PRACTICE FACILITY ON CITY OWNED LEASED LAND - 175 DARTNALL ROAD - EXEMPTION FROM REQUIREMENT FOR SECURITY DEPOSIT FOR SITE DEVELOPMENT

As recommended in a report dated 1994 August 16, the Committee recommended to Council as follows:

That the Hamilton Firefighters Drum Corps Inc. be exempt from the City policy of having to provide a security deposit for site development in connection with Site Plan Control application DA-94-08, the development of a practice facility on City land leased to the Corps at 175 Dartnall Road, Hamilton.

9. COMMISSIONER OF PLANNING AND DEVELOPMENT AND DIRECTOR OF LOCAL PLANNING

Terms of Reference for Albion Falls - Modified Neighbourhood Plan Review - Authorization to Undertake Study

Bill Janssen advised that the Study will look at two options: the existing designation and modified residential use. The Study is to be completed in-house.

As recommended in a report dated 1994 August 17, the Committee approved the following:

That the Planning and Development Department be directed to carry out a modified Neighbourhood Plan review, as identified in APPENDIX "F", for a portion of the Albion Falls Neighbourhood, more particularly the area bounded by the escarpment, Pritchard and Arbour Roads and the Expressway alignment.

10. DELEGATIONS - TACO BELL, MAIN STREET WEST IN DUNDURN

- (a) Jeffrey Jones, 66 New Street
- (b) Michael Tucker, 75 Dundurn Street South

Mr. Michael Tucker of 75 Dundurn Street South was present. He is the first property owner to the north of the Taco Bell Development.

He stated that on 1993 November 10 he attended the Committee of Adjustment meeting with regard to the Taco Bell matter. The Architect Dominic Meffe stated to him that the lane would be used for service vehicles only. Mr. Tucker stated that should he have known otherwise, he would have appealed the decision. He later on found out that the lane was to be used by Taco Bell patrons.

He stated that at a previous meeting of the Planning and Development Committee, there was a request to have a control access gate placed in the alleyway on Dundurn Street.

Mr. Tucker is mainly concerned with traffic back-up and exhaust fumes and the safety situation. He stated that since he accesses his home through the rear of the driveway which is exactly adjacent to the laneway, this causes many safety problems.

Mr. Dee of Taco Bell was present and stated that the access of the laneway was a condition of approval and that this was to be required for service vehicles as well as for patrons. Mr. Dee explained that he has had several meetings with the residents to resolve concerns regarding the laneway.

In response to a request by Mr. Tucker, Mr. Dee stated that Taco Bell has offered to purchase the Tucker's property with conditions but this purchase has not materialized.

Sanjiv Yajnik, Manager of Taco Bell was present and stated that they have attempted to place a stop sign and a speed bump at the laneway in order to alleviate some of the safety concerns. A letter has been distributed to the surrounding residents in this regard as well.

With regard to Mr. Jones' letter, Alderman Kiss questioned why Taco Bell needs the use of the alley since its not being used presently because of construction on Dundurn Street.

Mr. Yajnik stated that since the laneway has been closed, sales have dropped by 33%. He also added that if the laneway is closed there would be traffic congestion since there will be no outlet.

Aldermen Merling and Eisenberger concurred that the Committee should reaffirm its previous request to place a controlled access gate on the Dundurn entrance of the laneway.

Mr. Tucker stated that the 'Exit Only' sign is causing chaos since he enters his property from this laneway. He is concerned over his personal safety. He also mentioned that the cleanliness of his property and of the Taco Bell property has not been as good as it was when it first opened.

Roland Karl advised that initially the Traffic Department was told that the laneway would be used as a relief access for the Main Street exit. The alley has been made one way to Dundurn Street. He also stated that Taco Bell has no concern with allowing Mr. Tucker to access his property through the Taco Bell property.

Following discussion, the Committee resolved as follows:

That the Planning and Development Committee reaffirm its original request regarding a gate at the Dundurn Street access dated 1994 May 25 that Taco Bell be requested to provide a controlled access gate between its property and the assumed alleyway immediately north thereof.

11. CONSENT AGENDA

A. Adoption of the Minutes

Minutes of the Planning and Development Committee Meeting held 1994 July 20 were adopted as circulated.

THE COMMITTEE RECOMMENDED TO CITY COUNCIL VARIOUS RECOMMENDATIONS AND REPORTS AS FOLLOWS:

B. SENIOR DIRECTOR, ROADS DEPARTMENT

- (a) "Wisemount Estates - Phase 6", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication) dated 1994 August 4:

That the City of Hamilton accept the sum of \$8,050. as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 6, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Wisemount Estates - Phase 6 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

- (b) Lot Grading, Greenhill Gardens - Phase 2, Hamilton dated 1994 August 3:

That the City of Hamilton accept the lot grading of Lot 8, Greenhill Gardens - Phase 2, Plan No. 62M-494 and that the subdivider, Cochren Construction Ltd., be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Greenhill Gardens - Phase 2, with respect to the lot grading of Lot 8.

C. ACTING DIRECTOR, PUBLIC WORKS

- (a) Sixth Annual Public Service Announcement Competition: Phase IV of the Downtown Hamilton Action Plan dated 1994 August 12:

- (i) That, the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Phase IV, Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton Clean.

First Prize: Dean Bradley, production of "Littering"

Second Prize: Michelle Cottrell, production of "Think"

Third Prize: Irving Chan, production of "Affair"; and,

- (ii) That, funds be provided from Phase IV of the Downtown Hamilton Action Plan for the first prize at \$700., second prize at \$500., and third prize at \$300., and a donation to Mohawk College Media Studies Department of \$1,500. for development of the videos and use of equipment.

- (b) Expansion of the Barton General Community Improvement Project Area dated 1994 August 12:

- (i) That, Schedule "A" and Schedule "B" of By-law No. 88-11, designating the Barton General Community Improvement Project Area, be amended to reflect the expanded area as shown on Appendix "G" attached, in accordance with The Planning Act, Section 28; and,

- (ii) That, the City Solicitor be authorized to prepare the necessary amendments for (a) above; and,

- (iii) That, the Public Works Department be authorized to prepare the requisite amendment to the Community Improvement Plan in accordance with The Planning Act, Section 28; and,

- (iv) That, the Public Works Department hold a public meeting to receive citizen input on the amended Barton Street Community Improvement Plan as required under The Planning Act, Section 28.

- (c) Crown Point East/McAnulty - Community Improvement Project Area dated 1994 July 29:

- (i) That, a Community Improvement Project Area be designated as per the attached Appendix "H", for the Crown Point East/McAnulty neighbourhoods, in conformity with The Planning Act, Section 28; and,

- (ii) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,

- (iii) That, the Public Works Department be authorized to hold a public meeting to announce the Municipal allocation of \$400,000. for improvements to the Crown Point East/McAnulty neighbourhoods priority-one-parks and, to establish a citizens' group to represent the neighbourhoods.
- (d) Community Improvement Programme (C.I.P.) - International Village, Concession Street and Main Street West, Esplanade Business Improvement Area's (B.I.A.) 1994 requests dated 1994 August 15:

That the attached Appendix "I" outlining B.I.A. projects for implementation under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$54,350.

D. BUILDING COMMISSIONER

- (a) Various Demolitions:

That the Building Commissioner be authorized to issue a demolition permit for:

- (i) 313 Queenston Road
- (ii) 88 Inchbury Street
- (iii) 100 Dartnall Road
- (iv) 110 Dartnall Road
- (v) 1126 Garth Street
- (vi) 771 West 5th Street
- (vii) 789 West 5th Street
- (viii) 802 West 5th Street
- (ix) 458 Burlington Street East

- (b) Heritage Programme: 316 James Street South dated 1994 August 15:

That the Building Department, Loans Division be directed to process a loan under the Community Heritage Trust Fund Loan to Wentworth Condominium Corporation #84, 316 James Street South, in the amount of ten thousand, nine hundred and fifty dollars (\$10,950.) at 3 5/8 percent interest amortized over a ten year period.

E. COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

- (a) Revision to Draft Plan Approval - "Sgro Gardens" Sub-Division dated 1994 August 11:
 - (i) That approval be given to the request by Mr. Adi Irani, of A. J. Clarke and Associates Limited on behalf of Mr. and Mrs. V. Sgro, owners, to revise the draft plan approval for "Sgro Gardens" subdivision under Regional File 25T-89026 to realign the lots to front onto Eleanor Avenue and Mentino Crescent, subject to the following additional conditions:
 - (1) That this approval apply to the plan, prepared by A. J. Clarke, O.L.S., revised on June 21, 1994, to show 13

lots for single detached residential purposes and three 3 blocks (Blocks 15, 16 and 17) for future development, and further red-lined revised to incorporate Parts 2, 3, and 4 of Plan 62R-11697 (Lot 14), into the draft approval as a building lot; and,

- (2) That the owner satisfy all engineering and financial requirements of the City of Hamilton and the Region; and,
 - (3) That Lots 1 to 5 and Block 17 not be developed until municipal storm and sanitary sewers are available on the abutting portion of Eleanor Avenue; and,
 - (4) That the future street, Mentino Crescent align properly with the existing road allowance to the south, Presidio Drive. The centreline radius shall be established at a minimum of 320 metres; and,
 - (5) That Blocks 15, 16, and 17 be developed only in conjunction with the abutting lands to the north of the revised draft plan; and,
 - (6) That the dead ends and open sides of the road allowances be terminated in 0.3 metre reserves; and,
- (ii) That the Regional Commissioner of Planning and Development be advised of Council's decision.
- (b) Further Modifications to the Proposed Text Amendment to Zoning By-law No. 6593 - Front Yard Parking for Single, Two, Three-Family and Converted Dwellings dated 1994 August 15:

That the Proposed General Text Amendment to Zoning By-law No. 6593 - Front Yard Parking for Single, Two, Three-Family and Converted Dwellings be further modified as follows:

- (i) That Items 3(d)(x), 3(h)(x), and 3(l)(x) be amended by deleting the words "street line" and replacing them with the words "front lot line"; and,
- (ii) That Item 3(f)(ii), 3(j)(ii), and 3(n)(ii) be amended by deleting the words "street line" and replacing them with the words "front lot line"; and,
- (iii) That Items 3(e)(xii), 3(i)(xii) and 3(m)(xii) of the Eleventh Report of the Planning and Development Committee be amended by deleting the subclause in its entirety and replacing it with the following:

"a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6 m."; and,

- (iv) That a new subclause (14g) be added to Section 18A of Zoning By-law No. 6593 as follows:

"Notwithstanding (14a) and (14b), no part of a required parking area in a residential district shall be located in a front yard."; and,
 - (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (vi) That the proposed general text amendment is in conformity with the Official Plan for the Hamilton Planning Area.
- (c) Residential Underground Parking Study - Authorization for Public Meeting.

As recommended in a report dated 1994 August 16, the Committee resolved that a public meeting be held to obtain input from citizens on the recommendations of the residential underground parking study.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- (a) St. George's Anglican Church and Sunday School 137 Strathcona Avenue North, Hamilton dated 1994 August 17:

That City Council refer the heritage designation of St. George's Church, 10 Tom Street, Hamilton, to the Conservation Review Board.
- (b) Information Items as recommended in the report dated 1994 August 17, the Committee resolved that the following Information Items previously forwarded to the members of the Committee under separate cover be received for information purposes:
 - (i) City Solicitor, Lot Grading Control dated 1994 August 16
 - (ii) City Solicitor, City of Hamilton Private Members Bill PR24 Penalties/Fines for By-law Infractions to the City Planning Act Fines dated 1994 July 19
 - (iii) Commissioner of Planning and Development: Approved Site Plan Control Applications dated 1994 August 17
 - (iv) Secretary, Committee of Adjustment: Effect of Proposed Planning Act Legislation, Bill 163 (First Reading) on Minor Variance Processing

12. OTHER BUSINESS

- (a) Added Report from the Commissioner of Planning and Development and Director of Local Planning regarding Committee of Adjustment Application No. A-94:141 231 Bay Street North.

As recommended in a report dated 1994 August 22, the Committee recommended to Council as follows:

- (i) That the Director of Local Planning be directed to file an appeal respecting the Committee of Adjustment's decision to approve Application No. A-94:141, to permit the second floor of the building to be used for general offices, the main floor for a fitness club (commercial school) and the ground floor for a wholesale produce distribution business, for property located at No. 231 Bay Street North, as shown on the attached map marked as APPENDIX "J"; and,
 - (ii) That appropriate staff (i.e. Legal, Planning) be directed to represent the City at the Ontario Municipal Board respecting Committee of Adjustment Application No. A-94:141.
- (b) Paul Mallard introduced Steve Robichaud, a new staff member who has joined the Planning Department.
- (c) Discussion ensued with regard to residential care facility at 44 Proctor and following a brief discussion the Building Department and Law Department staff were requested to prepare a report on legal non-conforming uses in general.

13. PRIVATE AND CONFIDENTIAL

The Committee adjourned into closed session to discuss matters of potential litigation and reconvened immediately thereafter with the following reports:

(AA) CITY SOLICITOR AND DIRECTOR OF LOCAL PLANNING

Bill 120 - An Act to Amend Certain Statutes Concerning Residential Property -- City of London Challenge to Bill 120

The Committee resolved that the report dated 1994 August 8 be received.

(BB) ACTING DIRECTOR OF PUBLIC WORKS

- (a) Downtown Hamilton Business Improvement Area (B.I.A.) Community Improvement Project Area

As recommended in a report dated 1994 August 12, the Committee recommended to Council as follows:

- (i) That a Community Improvement Project Area be designated as per the attached Appendix "K" for the Downtown Hamilton B.I.A. in conformity with The Planning Act, Section 28; and,

- (ii) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,
 - (iii) That the Public Works Department be authorized to prepare the requisite Community Improvement Plan in accordance with The Planning Act, Section 28; and,
 - (iv) That the Public Works Department hold a public meeting to receive citizen input on The Downtown Hamilton B.I.A. Community Improvement Plan as required under The Planning Act, Section 28.
- (b) International Village Business Improvement Area (B.I.A.) - Community Improvement Project Area

As recommended in a report dated 1994 August 12, the Committee recommended to Council as follows:

- (i) That a Community Improvement Project Area be designated as per the attached Appendix "L" for the International Village B.I.A. in conformity with The Planning Act, Section 28; and,
- (ii) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,
- (iii) That the Public Works Department be authorized to prepare the requisite Community Improvement Plan in accordance with The Planning Act, Section 28; and,
- (iv) That the Public Works Department hold a public meeting to receive citizen input on The International Village B.I.A. Community Improvement Plan as required under The Planning Act, Section 28.

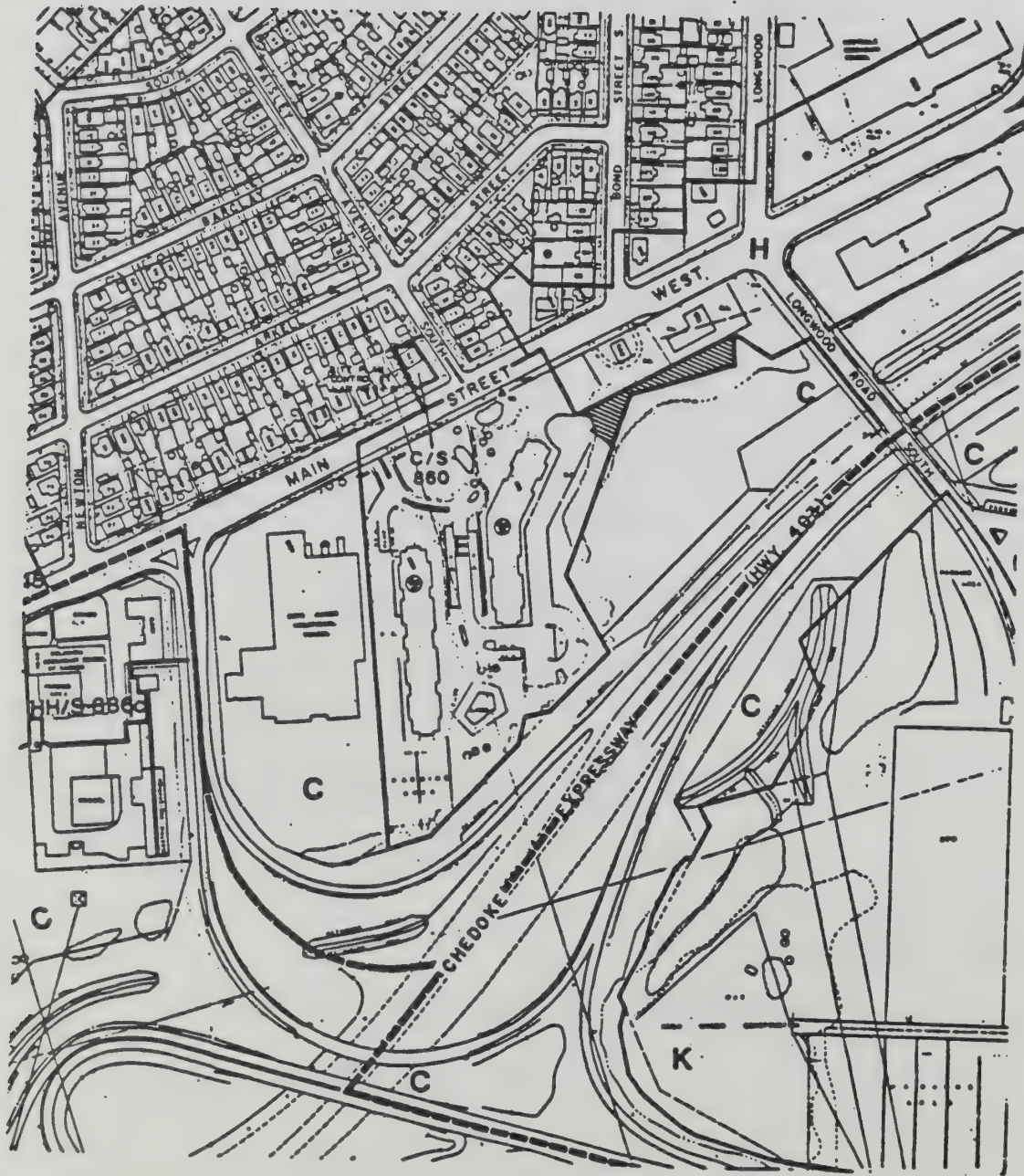
14. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved

**Alderman Don Drury, Chairperson
Planning and Development Committee**

**Tina Agnello
Secretary
1994 August 24**

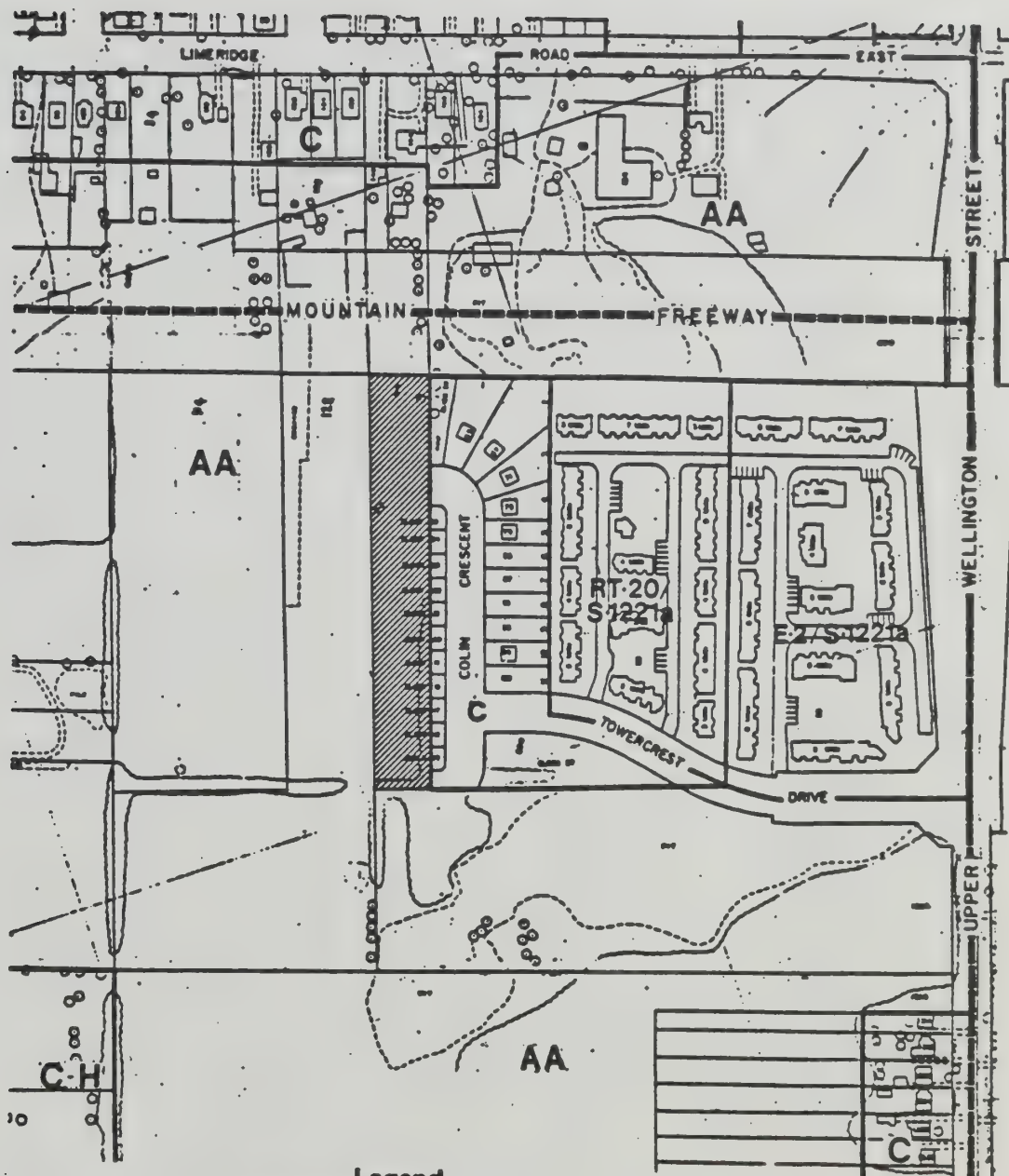


Legend



Site of the Application





Legend





Site of the Application





Legend

Proposed Change in zoning from "IJ" (Restricted Light Industrial) District, modified as:

- | | | |
|-----------|---|--|
| Block "1" |  | "CR-2" (Commercial Residential) District, modified |
| Block "2" |  | "DE-2" (Multiple Dwellings) District, modified |



Legend

_____ Department _____
_____ Building _____



Proposed Walkway Closure

Planning and Development Department
Hamilton-Wentworth Region

TEXT CHANGES TO THE CITY OF HAMILTON OFFICIAL PLAN

SECTION A: LAND USE AND MANAGEMENT STRATEGY

1) Subsection A.2.1 - Residential Uses, Policy A.2.1.3, be revised by:

- i) deleting the words "*deemed necessary by Council to*"; and,
- ii) replacing the word "serve" with "*serving*";

so the entire Policy reads as follows:

"2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and *serving* the needs of local residents will be permitted, including, but not limited to: ..."

Rationale:

The wording change will make the Policy clearer and more definitive in its direction.

2) Subsection A.2.1 - Residential Uses, Policy A.2.1.15, be revised by:

- i) deleting the words "*Rail Service*";
- ii) adding an "s" to the word "Subsection"; and,
- ii) adding the words "*C.2 and C.9*" after the words "Subsection B.3.5,";

so the entire Policy reads as follows:

"2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights-of-way, Council will have regard for the requirements of Subsections B.3.5, *C.2 and C.9*."

Rationale:

The modifications provide for cross reference between Subsections.

- 3) Subsection A.2.2 - Commercial Uses, Policy A.2.2.1, be revised by adding the words '*where one exists*' after the words, "provided that they have been designated in the Neighbourhood Plan"; so the entire policy reads as follows:

"2.2.1 The primary uses permitted in areas exceeding .4 hectare in size as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition, to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, *where one exists:.....*"

Rationale:

The Policy requires that commercial areas be identified in Neighbourhood Plans. However, in many older parts of the City there are no Neighbourhood Plans. In this regard, Official Plan Amendments have been required to exempt developments from this clause due to this technicality.

- 4) Subsection A.2.3 - Industrial Uses, Policy A.2.3.38 be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the first paragraph, so the first paragraph of the Policy reads as follows:

"2.3.38 Notwithstanding the foregoing, Industrial Uses are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas.*"

Rationale:

The Ministerial Order for the Niagara Escarpment lands did not include a reference to Schedule "B-3" - Other Special Policy Areas since the new Schedule "B-3" was approved during the processing of the Order by the Province. In this regard, it is appropriate to include the reference to Schedule "B-3" in the Housekeeping Amendment.

- 5) Subsection A.2.4 - Open Space Uses, Policy A.2.4.2 be revised by adding the words '*and Schedule B-3 - Other Special Policy Areas*' at the end of the second paragraph, so the second paragraph of the Policy reads as follows:

"2.4.2 Notwithstanding the foregoing, limited commercial uses which are ancillary to and support the primary OPEN SPACE use are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule B-3 - Other Special Policy Areas.*"

Rationale:

See Item 4.

- 12) Subsection A.2.9.1 - Niagara Escarpment, Policy A.2.9.1.3, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "as Special Policy Areas "1a", "1b", and "1c", so the entire Policy reads as follows:

"2.9.1.3 The following policies apply to the areas shown on "Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* as Special Policy Areas "1a", "1b", and "1c:";

Rationale:

See Item 4.

- 13) Subsection A.2.9.3 - Other Special Policy Areas, Policy A.2.9.3.15 be deleted and By-law No. 83-153 be repealed.

Rationale:

In 1990, the subject lands were rezoned to permit an existing two-family dwelling. The previous implementing Zoning By-law 83-165, which permitted an electronics and communications business within the existing building, was repealed by By-law No. 90-225. At that time, the Zoning report recommended the corresponding OPA be deleted when any Official Plan Housekeeping Amendment was undertaken.

- 14) Subsection A.3.1 - Hazard Lands, Policy A.3.1.4, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "are recognized..", so the entire Policy reads as follows:

"3.1.4 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* are recognized as having inherent environmental hazards such as flooding and erosion susceptibility..."

Rationale:

See Item 4.

- 15) Subsection A.3.2.10 - Environmentally Sensitive Areas, Policy A.3.2.10 be renumbered to Policy A.3.2.11.

Rationale:

During the processing of the Ministerial Order pertaining to the policies of the Niagara Escarpment Plan, Official Plan Amendment No. 80 also included a new Policy numbered A.3.2.10. Therefore, one of the policies must be renumbered.

- 16) Subsection A.3.2.10 - Environmentally Sensitive Areas, new Policy A.3.2.11 be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "are recognized..", so the entire Policy reads as follows:

"3.2.11 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* are recognized as being ecologically significant."

Rationale:

See Item 4.

- 17) Subsection A.3.3. - Non-Complying Uses, Policy A.3.3.5, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas," and "which do not conform" and by changing the word 'shall' to 'will' between the words "Plan" and "be", so the entire Policy reads as follows:

"3.3.5. Notwithstanding the foregoing, those uses within the area of the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, which do not conform to the Niagara Escarpment Plan *will* be recognized as existing uses...."

Rationale:

See Item 4.

- 18) Subsection A.3.4. - Division of Land, **Policy A.3.4.2.**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas," and "must conform", so the entire Policy reads as follows:

"3.4.2. Any Division of Land within the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, must conform to New Lot Policies of the relevant Niagara Escarpment Plan designation contained in Policy A.2.9.1.3 of this Plan, as well as the Development Criteria contained in the Niagara Escarpment Plan."

Rationale:

See Item 4.

SECTION B - SERVICING STRATEGY

- 19) Subsection B.3.1 - Road Network, **Policy B.3.1.18**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the second paragraph, so the entire Policy reads as follows:

"3.1.18 Notwithstanding the foregoing, temporary licensed wayside pits and quarries for the construction and maintenance of public roads are not permitted on lands designated Escarpment Natural Area and escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*."

Rationale:

See Item 4.

- 20) Subsection B.3.1 - Road Network, **Policy B.3.1.19 v)**, be revised by adding the words "*such as but not limited to alleyways, laybys,*" between the words "a specific site," and "or where..", so the entire Policy reads as follows:

"3.1.19 v) Notwithstanding the policies of Section B.3.1.19 iii), in certain cases and where deemed necessary Council may require ROAD widenings, in addition to the rights-of-way widths specified in i) above, to provide auxiliary turning lanes, or to provide appropriate access to a specific site, *such as but not limited to alleyways, laybys,* or where cut and fill requirements cannot be achieved within the specified rights-of-way to accommodate the necessary side slopes and/or retaining walls."

Rationale:

The intent of the modification is to clarify where additional road widenings may be required.

- 21) Subsection B.3.1 - Road Network, **Policy B.3.1.19**, be revised by adding a new clause vi), to read as follows:

"3.1.19 vi) *It is the intent of Council to ensure the minimum roadway width is 15 m. In this regard, as a condition of Site Plan approval, the dedication of ROAD widenings will be required to establish a ROAD allowance width a minimum of 15 m, and daylight triangles to accommodate ROAD facilities.*"

Rationale:

This new policy is required since the Official Plan is silent on road widenings for substandard roads (less than 15 m) and the O.P. makes reference to other road widenings.

- 22) Subsection B.3.1 - Road Network, **Policy B.3.1.21**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the first sentence, so the entire Policy reads as follows:

"3.1.21. Notwithstanding the foregoing policies of this Subsection, only essential transportation facilities will be permitted within the Escarpment Natural Areas, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas....*"

Rationale:

See Item 4.

- 23) Subsection B.3.5 - Rail Service, **Policy B.3.5.2**, be deleted and the subsequent policies be renumbered accordingly.

Rationale:

This Policy has been modified and included in a new section titled "C.9 Noise and Vibration" as Policy C.9.3.

- 24) Subsection B.3.5 - Rail Service, **new Policy B.3.5.2**, be revised by:

- i) deleting the words "Further to Policy B.3.5.2 above,";

- ii) deleting the words "development/redevelopment proposals" and replacing it with *"residential and institutional developments and redevelopments"*; and,
- iii) deleting the last line and replacing it with *"In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9."*;

so the entire Policy reads as follows:

"3.5.2 Council recognizes the concerns of the railway companies with regards to the potential impacts on their property by major residential and institutional developments and redevelopments adjacent to RAILWAY rights of way. *In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9.*"

Rationale:

The modifications provide for consistency with the policies contained in the Subsection C.9 - Noise and Vibration as well as to allow cross reference between Subsections.

- 25) Subsection B.3.7 - Air Service - Hamilton Airport, Policies B.3.7.2 and B.3.7.3 be deleted.

Rationale:

These policies have been modified and included in a new Subsection titled "C.9 Noise and Vibration" as Policies C.9.1 and C.9.2.

- 26) Subsection B.3.7 - Air Service - The Hamilton Airport, new Policy 3.7.2 be added as follows:

"3.7.2 *The provisions of Subsection C.9 will apply to future residential development that is affected by a Noise Exposure Contour of 28 or greater.*"

Rationale:

This new policy will allow for cross references between the two Subsections.

SECTION C - AMENITY AND DESIGN STRATEGY

- 27) Subsection C.2 - Safety and Convenience, Policy C.2.3 be deleted and replaced as follows:

"2.3 *Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:*

- i) *the ramping of sidewalks;*
- ii) *the requirement of appropriate access ramps, elevator or other means to all publically accessible buildings and open spaces;*
- iii) *the reservation of conveniently located and appropriately designed parking spaces for all public and private buildings for the use by the physically disabled;*
- iv) *co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled; and,*
- v) *co-operation with the appropriate government, public or private agencies, organizations, or committees dealing with issues related to disabilities."*

Rationale:

On November 18, 1992, the Planning and Development Committee, approved changes to the above-noted Policy and these changes were to be included in the Housekeeping Amendment. The purpose of the modifications is to improve policies relating to barrier free design.

- 28) Subsection C.2 - Safety and Convenience, new Policy C.2.4 be added as follows:

"C.2.4 All proposed development adjacent to the railways will ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City, in consultation with the appropriate railway."

Rationale:

CN Rail has requested a policy be added to the Official Plan to allow for the incorporation for safety measures for developments adjacent to railways.

- 29) Subsection C.7 - Residential Environment and Housing Policy, Policy C.7.3, be revised by:

- i) in subsection iii), replacing the words "is consistent and complements the established development pattern" with *"recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview";*
- ii) in subsection v), replacing the words "compatible with the established development pattern" with *"that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"; and,*

- iii) in subsection vii), replacing the words "at densities and scales compatible with the established development pattern" with *"that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"*;

so the revised aspects of the Policy read as follows:

"7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will: ...

- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; ...*
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; ...*
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; ...*

Rationale:

These changes arose as a result of Hamilton Official Plan Amendment No. 109, which dealt with various housing policy matters, including the Housing Intensification Strategy and the Provincial Policy Statement Land Use Planning for Housing. The Ministry of Housing requested these minor modifications to O.P.A. No. 109. However, these were revised after the Amendment had already been approved by Council. It was agreed that these changes would be incorporated by means of the housekeeping amendment.

30) Subsection C.7 - Residential Environment and Housing Policy be revised by:

- i) deleting Policies C.7.14, C.7.15, C.7.18, C.7.21 and C.7.22;
- ii) by modifying Policies and adding them to a new Subsection as follows:

Existing PolicyNew Policy

C.7.11	C.9.4
C.7.12	C.9.8
C.7.13	C.9.7
C.7.16	C.9.11
C.7.17	C.9.6
C.7.20	C.9.12

Rationale:

The Policies relating to noise in Subsection C.7 pertain to residential uses only. It is appropriate to include institutional uses since they can also be sensitive to noise levels. In addition, the Official Plan contains requirements for development or redevelopment proposal abutting roads, airport, railway rights of way. For ease of application, it is beneficial to consolidate them into a new Subsection.

The Policies that have been identified for deletion are redundant or have been incorporated into new Policies in Subsection C.9.

- 31) Section C - Amenity and Design Strategy be modified by adding the following new Subsection:

"Subsection C.9 Noise and Vibration

It is the general intent of this Plan to minimize the effect of noise and vibration sources from the airport, inter-regional highways and railways for all City residents. In this regard, the City will co-operate with appropriate agencies to determine acceptable levels of noise and vibration emissions as well as develop design measures to mitigate potential impacts.

- 9.1 In accordance with the Regional Official Plan, Council may, when considering development and/or redevelopment that is subject to noise exposure forecast contours (Federal Department of Transport) in the area around the Hamilton Civic Airport, require the appropriate Federal and Provincial land use guidelines and noise abatement measures.
- modified*
- 9.2 Further to Policy C.9.1, prior to approving future residential development affected by a noise exposure forecast contour of 28 or greater, Council will require the proponent of such development to undertake any or all of the following:
- modified*
- i) Submit a detailed noise study prepared by a qualified expert outlining the required noise insulation features in the design of the buildings;
 - ii) Satisfy Council that appropriate noise insulation features have been provided in the construction of building in accordance with Provincial standards; and,

- iii) Inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities. Such a warning provision will be required to be included as a clause in a development agreement and subdivision agreement.

modified 9.3 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new residential and institutional development adjacent to inter-regional highways and railway rights-of-way.

new 9.4 The appropriate railway company will determine the necessity of a noise and/or vibration study for new residential and institutional development that is proposed adjacent to the railway right-of-ways (including rail lines and railway yards). Any noise and/or vibration study that is undertaken will be to the satisfaction of the City and the Ministry of Environment and Energy, in consultation with the appropriate railway. The City will require appropriate measures to mitigate any identified adverse effects from noise.

*new/
modified* 9.5 Any proposed residential and institutional development adjacent to inter-regional highways or a heavy industrial use may be required to undertake a detailed noise study to the satisfaction of the City and the Ministry of the Environment and Energy.

modified 9.6 Council will co-operate with and encourage the Ministry of Transportation to achieve the objective of 55 dBA where an inter-regional highway is proposed to be built or expanded through, or adjacent to, a designated residential area.

modified 9.7 Council will require the developer of proposed residential development adjacent to the Redhill Creek Expressway to provide evidence the noise levels in outdoor recreation space, after applying appropriate endeavours to meet the objectives of 55 dBA. Residential and institutional development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.

modified 9.8 Council will endeavour to minimize impacts on outdoor recreational space of new residential and institutional development from noise in excess of 55 dBA generated by adjacent inter-regional highways or railway lines.

new 9.9 Council will ensure that noise impacts from heavy industrial uses and railway yards on new residential and institutional development satisfy the Ministry of the Environment and Energy's Stationary Noise criteria.

- 9.10 Where noise levels for the Redhill Creek Expressway, rail lines and inter-regional highways are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed residential development, that future tenants
modified or purchasers are advised that, despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be required to be included as a clause in a lease or rental agreement; agreement of purchase and sale; development agreement; and subdivision agreement.
- 9.11 Where noise attenuation measures are required, these measures, for both outdoor and indoor space, may include, but not be limited to, the following:
- i) Sound-proofing measures and construction techniques, general layout and design of the structure or outdoor recreational space with respect to noise sources;
 - modified* ii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between source and receivers;
 - iii) Building setbacks;
 - iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,
 - v) The use of suitably designed higher density Residential structures.
- 9.12 Where new residential and institutional development for which noise control measures will be required precedes the construction of an Inter-Regional Highway or Railway line, Council may require, as a condition of approval, that:
- modified* i) Sufficient lands be conveyed at no cost for the erection of a noise barrier; and,
 - ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of a noise barrier, where deemed appropriate by Council."

Rationale:

The Official Plan contains policies on noise and vibration that are scattered throughout the Plan. In addition, since 1982, many have become outdated and agencies (i.e. CN Rail) have requested additional provisions respecting noise.

In this regard, it is appropriate to consolidate all the policies under one Subsection since they apply to array of uses (i.e. residential, institutional) as well as agencies (rail, air, highways).

Policies C.7.11, C.7.12 and C.7.19 are deleted.

SECTION D - IMPLEMENTATION

- 32) Subsection D.8 - Interpretation, Policy D.8.6. dealing with the Niagara Escarpment Area be renumbered to Policy "D.8.7".

Rationale:

During the processing of the Ministerial Order pertaining to the policies of the Niagara Escarpment Plan, Official Plan Amendment No. 80 also included a new Policy numbered D.8.6. Therefore, one of the policies must be renumbered.

- 33) Subsection D.8- Interpretation, new Policy D.8.7.be revised by adding the words '*and Schedule "B-3"*' between the words "Schedule "B" and "as SPECIAL POLICY AREA 1", so the entire Policy reads as follows:

"8.7 The lands shown on Schedule "B" *and Schedule "B-3"* as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") are located within the Niagara Escarpment Plan...."

Rationale:

See Item 4.

- 34) The terms 'Minster of the Environment', 'Ministry of the Environment' and 'Ministry of Environment' be changed to "Ministry of Environment and Energy" as contained in the following Policies:

- i) A.2.9.3.8
- ii) B.3.1.12
- iii) C.4.4
- iv) C.4.5

Rationale:

The changes are required to reflect the current name of the Ministry.

JHE

CHANGES TO THE OFFICIAL PLAN SCHEDULES

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
1	A	North side of Limeridge Road E. between Upper Wellington and Upper Wentworth Streets	Redesignation from Residential to Open Space	Redesignation to more accurately reflect designations in the Bruleville Neighbourhood Plan (2 parcels)
2	A	South of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue	Redesignation from Residential to Open Space	Inadvertently omitted from Schedule "A"
3	A	South of King Street between Quigley Road and Greenhill Avenue	Redesignation from Residential to Open Space	Redeliniation to more accurately reflect open space areas in the Gershome Neighbourhood (2 parcels)
4	A	Bruleville Neighbourhood (between Upper Wellington, Upper Wentworth, Mohawk and Rymal Roads)	Redesignation from Residential to Major Institutional	Readjustment to more accurately reflect School Board sites in the Bruleville Neighbourhood (2 parcels)
5	A	East side of Greenhill Avenue south of King Street	Redesignation from Residential to Major Institutional	Readjustment to more accurately reflect School Board site in Gershome Neighbourhood
6	A	North of the CNR Railway tracks, between Parkdale and Woodward Avenues	Redesignation from Residential to Utilities	Readjustment to more accurately reflect the hydro corridor
7	A	West side of Upper Wentworth Street, south of Mohawk Road	Redesignation from Commercial to Residential	Official Plan Amendment No. 67 inadvertently redesignated a larger portion of the lands to Commercial than was required

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
8	A	South side of Barton Street, between Strathearn and Parkdale Avenues	Redesignation from Commercial to Residential	Readjustment to more accurately reflect the existing residential use
9	A	No. 402 Upper Wentworth Street (south of Concession Street)	Redesignation from Major Institutional to Residential	Deletion of the former Inverness school site which has been redeveloped for residential purposes
10	A	Bruleville Neighbourhood, (between Upper Wellington, Upper Wentworth, Mohawk and the Expressway)	Redesignation from Major Institutional to Residential	Readjustment to more accurately reflect School Board sites in the Bruleville Neighbourhood (2 parcels)
11	A	North of Limeridge Road East, between Upper Wellington and Upper Wentworth Streets	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
12	A	Nos. 1964 to 1968 Main Street W.	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
13	A	Nos. 2738 and 2744 King Street E.	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
14	A	West side of Kimberly Drive north of Greenhill Avenue	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use
15	A	Thorne Neighbourhood between Upper Sherman Upper Wentworth, Mohawk and the Expressway	Redesignation from Open Space to Residential	Readjustment to more accurately reflect the existing residential use

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
16	A	Bruleville Neighbourhood (between Upper Wellington, Upper Wentworth, Mohawk and the Expressway)	Redesignation from Open Space to Major Institutional	Readjustment to more accurately reflect Park site in the Bruleville Neighbourhood
17	A	East side of Dartnall Road, between Stone Church and Rymal Roads	Redesignation from Open Space to Industrial	Readjustment to more accurately reflect the industrial area
18	A	South side of Rymal Road between Pritchard and Dartnall Roads	Redesignation from Open Space to Industrial	Readjustment to more accurately reflect the industrial area
19	A	South of Cumberland Avenue, between Wellington Street and Gage Avenue	Redesignation from Open Space to Utilities	Redesignation to reflect the CP Kinnear Yard and environs
20	A	North of Barton Street, between Parkdale and Strathearn Avenues	Redesignation from Open Space to Utilities	Readjustment to more accurately reflect the hydro corridor
21	A	Main Street to Cannon Street between Ottawa Street and Kenilworth Avenue	Redesignation from Utilities to Residential	Readjustment to more accurately reflect the hydro corridor
22	A	Cannon Street and Barton Street between Kenilworth Avenue and Strathearn Avenue	Redesignation from Utilities to Residential	Readjustment to more accurately reflect the hydro corridor

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
23	A	North of the CNR tracks, west of Woodward Avenue	Redesignation from Utilities to Residential	Readjustment to more accurately reflect the hydro corridor
24	A	No. 635 Upper Wentworth Street (The Barn)	Redesignation from Utilities to Commercial	Redesignation to reflect the commercial use
25	A	West side of Kenilworth Avenue, south of Cannon Street	Redesignation from Utilities to Commercial	Readjustment to more accurately reflect the hydro corridor
26	A	East of Pritchard Road both north and south of Rymal Road E.	Redesignation from Utilities to Commercial	Readjustment to more accurately reflect the hydro corridor
27	A	East of Pritchard Road both north and south of Rymal Road E.	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
28	A	Barton Street and the CNR Tracks, between Strathearn and Parkdale Avenues	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
29	A	North of the CNR Tracks, east of Parkdale Avenue	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
30	A	West side of Woodward Avenue, south of Burlington Street	Redesignation from Utilities to Industrial	Readjustment to more accurately reflect the hydro corridor
31	A	South of Cumberland Avenue, west of Gage Avenue	Redesignation from Industrial to Utilities	Redesignation to reflect the CP Kinnear Yard and environs

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
32	A	North and south sides of Aberdeen Avenues, east of Longwood Road	Redesignation from Industrial to Utilities	Redesignation to reflect the CP Aberdeen Yard
33	A	Barton Street and the CNR Tracks, between Strathearn and Parkdale Avenues	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
34	A	North of the CNR Tracks, east of Parkdale Avenue	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
35	A	East of Pritchard Road, north Rymal Road E	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
36	A	West of Pritchard Road, south Rymal Road E.	Redesignation from Industrial to Utilities	Readjustment to more accurately reflect the hydro corridor
37	A	East of Dartnall Road, both north and south of Rymal Road E.	Redesignation from Industrial to Commercial	Redesignation to reflect commercial use of the lands
38	B	North-east corner of Upper Wellington Street and Stone Church Road	Delete Special Policy Area 17	The lands are used by the Mount Hamilton Christian Homes for a two-family dwelling; zoning for electronics communications business repealed
39	B	North and south sides of Aberdeen Avenues, east of Longwood Road	Delete lands from Special Policy Area 11	SPA 11 not required since the lands are to be designated Utilities (CP Aberdeen Yard)
40	B	Area bounded by Strathearn Avenue, Burlington Street, Woodward Avenue, Barton Street	Remove lands from Special Policy Area 11	SPA 11 not required since the lands are to be designated Utilities (Hydro Corridor) (several parcels)

ITEM	SCHEDULE	LOCATION	CHANGE REQUIRED	REASON
41	B	Area bounded by Strathearn Avenue, Burlington Street, Woodward Avenue, Barton Street	Add lands to Special Policy Area 11	SPA 11 required since the lands are to be designated Industrial
42	B	Area bounded by Centennial Parkway, Barton Street, Grays Road and the QEW	Remove lands from Special Policy Area 11	SPA 11 not required since the lands are to be designated Utilities (Hydro Corridor) (3 parcels)
43	B	Area bounded by Centennial Parkway, Barton Street, Grays Road and the QEW	Add lands to Special Policy Area 11	SPA 11 required since the lands are to be designated Industrial
44	B-3	East Mountain Industrial - Business Park	Delete the existing Schedule and replace it with a new Schedule B-3	The existing Schedule is not an accurate scale. It simpler to replace the entire Schedule with a more accurate delineation of the boundaries
45	C	North of Queenston Road, west and east sides of Lake Avenue	Remove Lands from Hazard designation	Readjustment to more accurately reflect the existing residential use, in accordance with OPA #110
46	C	West of Pritchard Road, north of Rymal Road East	Remove Lands from Hazard designation	Readjustment to more accurately reflect the existing industrial uses, as result of OPA #125
47	D	East of the City limits, north of Main Street West	Add lands to the Environmentally Sensitive Areas	Dundas Valley ESA inadvertently omitted from Schedule
48	D	East of Kenilworth Avenue, North of Greenhill Avenue	Remove lands from Environmentally Sensitive Area	Readjustment to more accurately reflect existing residential use on Kimberly Avenue

TERMS OF REFERENCE

MODIFIED NEIGHBOURHOOD PLAN REVIEW

ALBION FALLS NEIGHBOURHOOD

BACKGROUND:

Location:

The Albion Falls neighbourhood is located on the east mountain between the Escarpment, Stoney Creek boundary, Stone Church Road east, and the CNR rail line. However, the area subject to the modified Neighbourhood Plan Review is only a portion of the Neighbourhood. The subject lands are bounded by the escarpment, Pritchard and Arbour Roads and the Expressway alignment.

Existing Land Uses:

There are approximately 17 single-family dwellings in the area, as well as other vacant lands. They are currently unserviced; water, subsidized by the City, is trucked in the and sewage disposal system is through the use of septic tanks.

There are a number of land owners within the area including the Region, City, Board of Education and private persons.

Purpose of the Study:

A request has been made by the Ward 6 Aldermen to undertake a modified Neighbourhood Plan review. The impetus behind the request is a result of a few factors:

- the delay in the implementation of the open space acquisition;
- the delay in the development of the subdivision on the north side of Mud street adjacent to the City of Stoney Creek boundary for offsetting the cost of purchasing the open space lands;
- a request by an owner for the City to purchase her lands; and,
- a request by area residents to have the lands serviced.

Planning Policies:

1) Official Plan

The subject lands are designated OPEN SPACE. The primary use permitted in OPEN SPACE are undeveloped and developed parks; parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses; horticultural nurseries, forestry and wildlife management areas and hazard lands.

2) Neighbourhood Plan

The Albion Falls Neighbourhood Plan was approved by City Council in 1982. The "Open Space" designation on the Plan is consistent with the Official Plan. There were a number of reasons for this designation are as follows:

- this area would be isolated when the expressway was constructed;
- it would also serve as a noise buffer between the freeway and residential lands to the north;
- the lack of municipal services;
- it was a logical extension of the valley;
- its proximity to the escarpment; and,
- these lands provided a link between the Kings Forest area and the open space west of Harbour Road, emphasizing continuous pedestrian trails and providing active and passive recreation.

This area is earmarked as a potential site for a restaurant in the Neighbourhood Plan.

3) Development Control (Niagara Escarpment)

Some of the lands are under the jurisdiction of the Niagara Escarpment Commission. In this regard, any development would require a permit from the NEC.

4) Zoning By-law No. 6593

The remaining lands are under the jurisdiction of the City of Hamilton's Zoning By-law. The lands are zoned "AA" (Agricultural) District. The permitted uses include: single-family dwellings (minimum lot size); school, day nursery, hospital, farming, etc.

MODIFIED NEIGHBOURHOOD PLAN REVIEW:

The Review is limited in scope because of the land use options that are to be considered. From a planning perspective, two possible land use options will be examined:

- 1) the retention of the existing OPEN SPACE designations; or
- 2) the use of these lands for residential purposes either by recognizing existing uses and/or allowing additional residential uses.

Because of the limited number of issues to deal with, a citizen advisory committee is not warranted. However, once a report on the land use is available and if changes to the Plans are desirable, it will be discussed with the area residents and other departments and agencies.

Notwithstanding the two land use options, a cost benefit analysis of the most viable land use option will be undertaken. The analysis would include:

- the purchase of these lots with the monies being advanced through the future sale of the residential lots in the proposed subdivision on Mud Street and the time frames for sale of the lots;
- the cost of purchasing the homes with and without servicing;
- the cost of purchasing publically owned lands;
- the cost of servicing; and,
- the Province's direction vis a vis the funding of an interpretative centre and the disposition of the valley.

a) Staffing and Timing

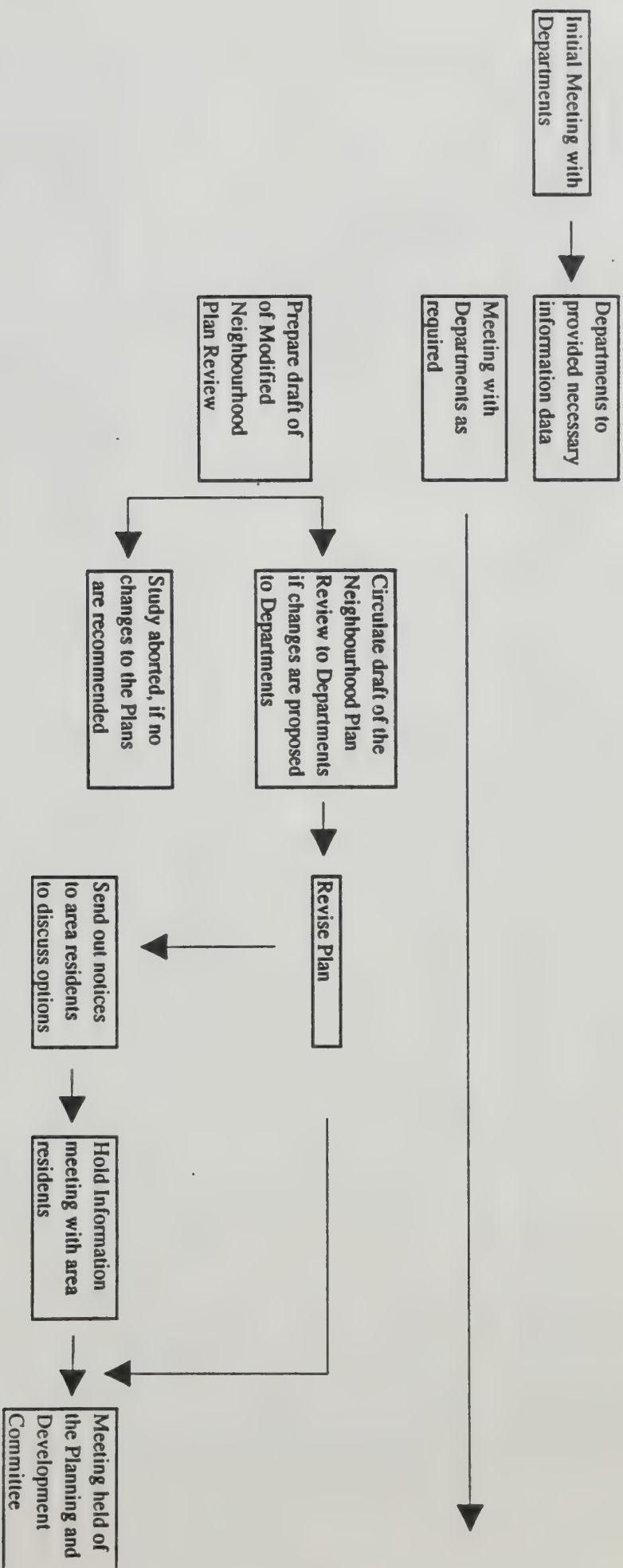
The variety of factors to be considered with in the context of the review will require the assistance of the Treasury, Property, Freeway Office, Health, and Environmental Services Departments. The majority of the work will be completed by the Planning and Development department.

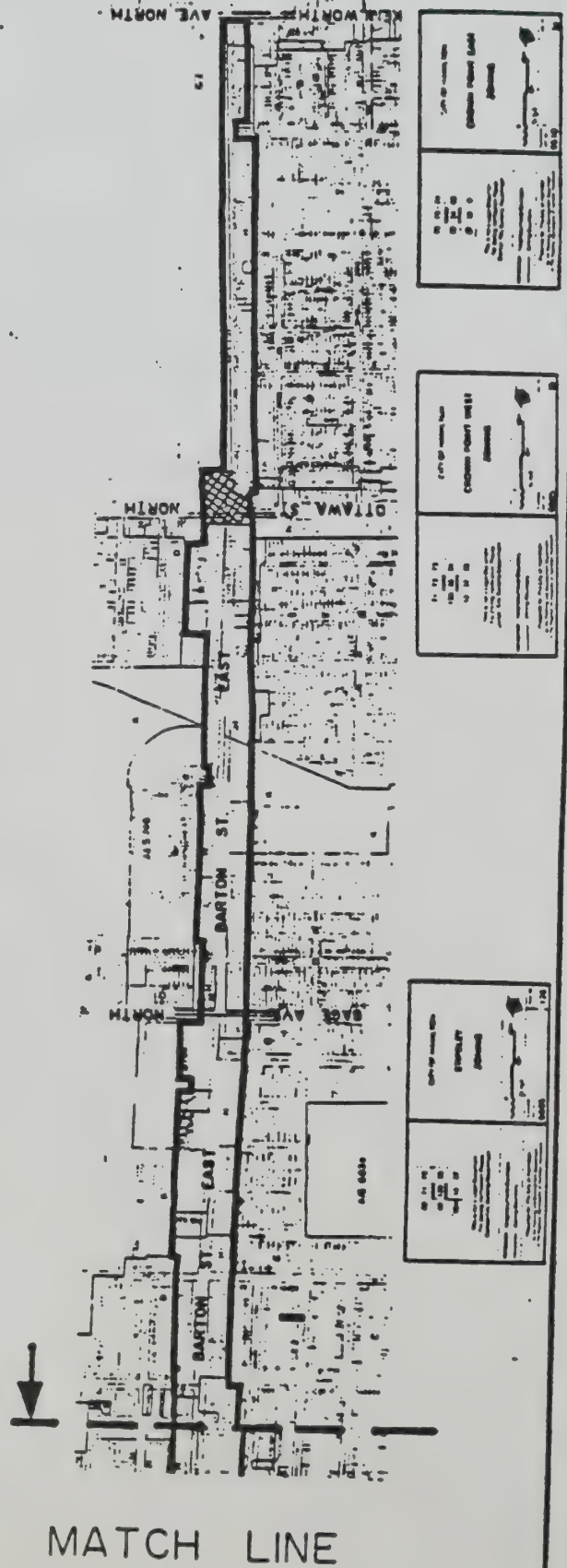
Director of Local Planning	1 day
Division Head, Policy and Neighbourhood Planning	2 days
Planner	15 days
Cartographic Technician	5 days
TOTAL	23 days (elapsed time)

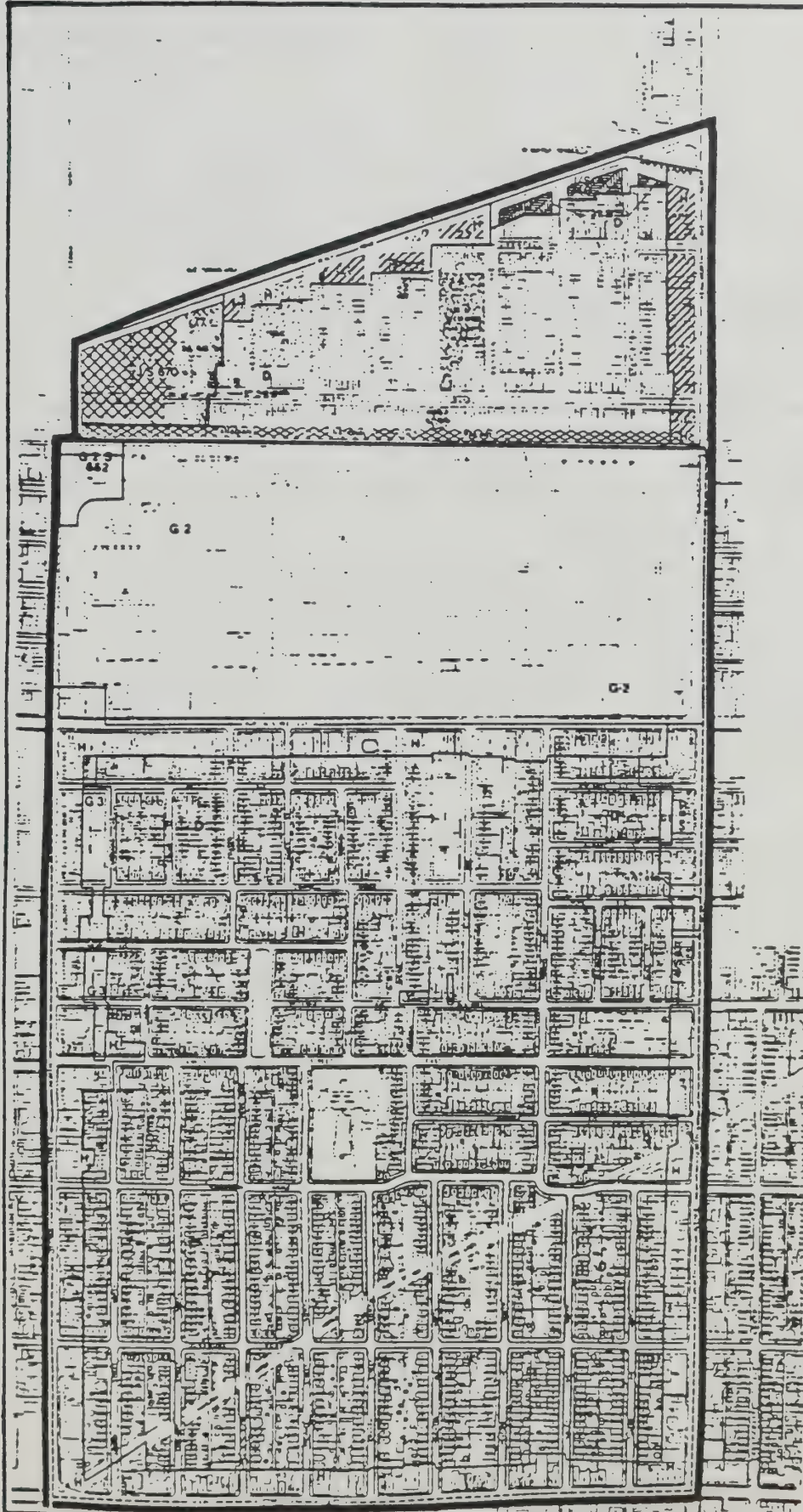
APPENDIX "A" gives an overview of the timing and the process. It should be noted that if this project is to be completed in 1994, it can be accommodated within the time allocated for demand responsive projects.

JHE
albion.np

ALBION FALLS - MODIFIED NEIGHBOURHOOD PLAN REVIEW PROCESS







<p>CITY OF HAMILTON PLANNING DEPARTMENT</p> <p>Mc ANULTY APPROVED PLAN</p> <p>0 50 100 m SCALE</p> <p>73</p>	<p>72 73 74 35 34 88 37 36 9</p> <p>This is not a Legal Document For Zoning Verification Please Consult City Building Department</p> <p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning Department of the City of Hamilton</p>	<p>CITY OF HAMILTON CROWN POINT EAST ZONING</p> <p>0 50 100 m SCALE</p> <p>6510</p> <p>34</p>
---	--	---

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS

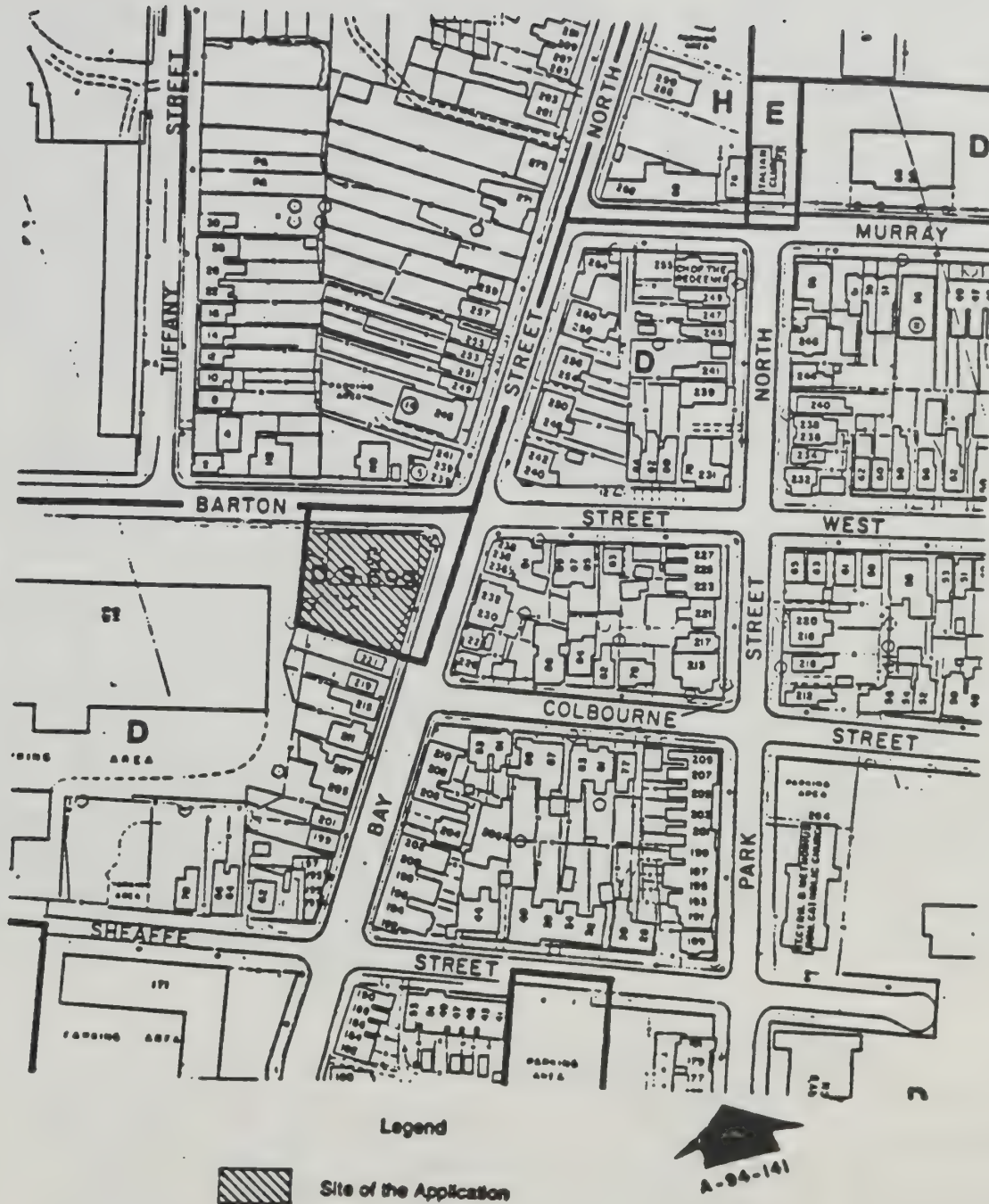
1994

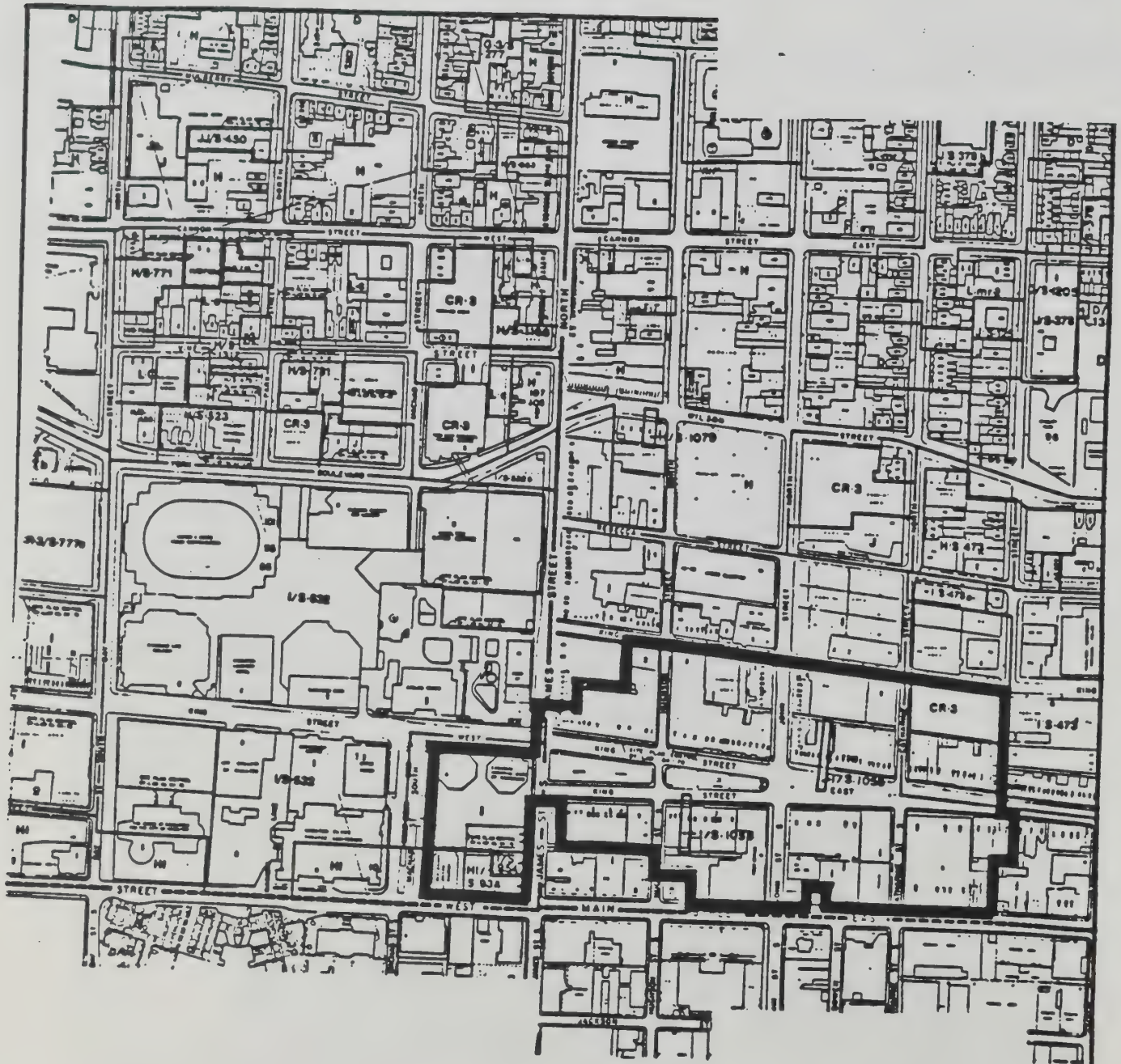
B.I.A.	Proposed Improvements	Estimated Cost
International Village B.I.A.	1) 18 sets banner arms	\$ 1,100.
	Installation	\$ 400.
	Additional supplies (strapping)	\$ 250.
	2) 10 concrete planters @ \$290. ea.	\$ 3,400.
	Initial installation plant material (\$49. per planter)	\$ 490.
	TOTAL	\$ 5,640.
Main Street West Esplanade B.I.A.	1) 2 illuminated directories (locations to be determined) @ \$5,500. ea. + \$1,000. installation	\$12,000.
	TOTAL	\$12,000.
Concession Street B.I.A.	1) Individual business signs (84) 24X18 + taxes	\$14,500.
	Installation \$30. ea.	\$2,900.
	2) 42 Cast-iron half-barrel planters to go around base of existing flower basket poles.	\$15,700.
	Installation	\$ 1,050.
	Plant material & soil installation (\$49. ea.)	\$ 2,060.
	Paving stone removal	\$ 500.
	TOTAL	\$36,710.

TOTAL ESTIMATED COST OF C.I.P. REQUESTS

\$54,350.

Appendix "J" as referred to in
 Section 12 (a) of the Planning and Development
 Committee Meeting of 1994 August 1994

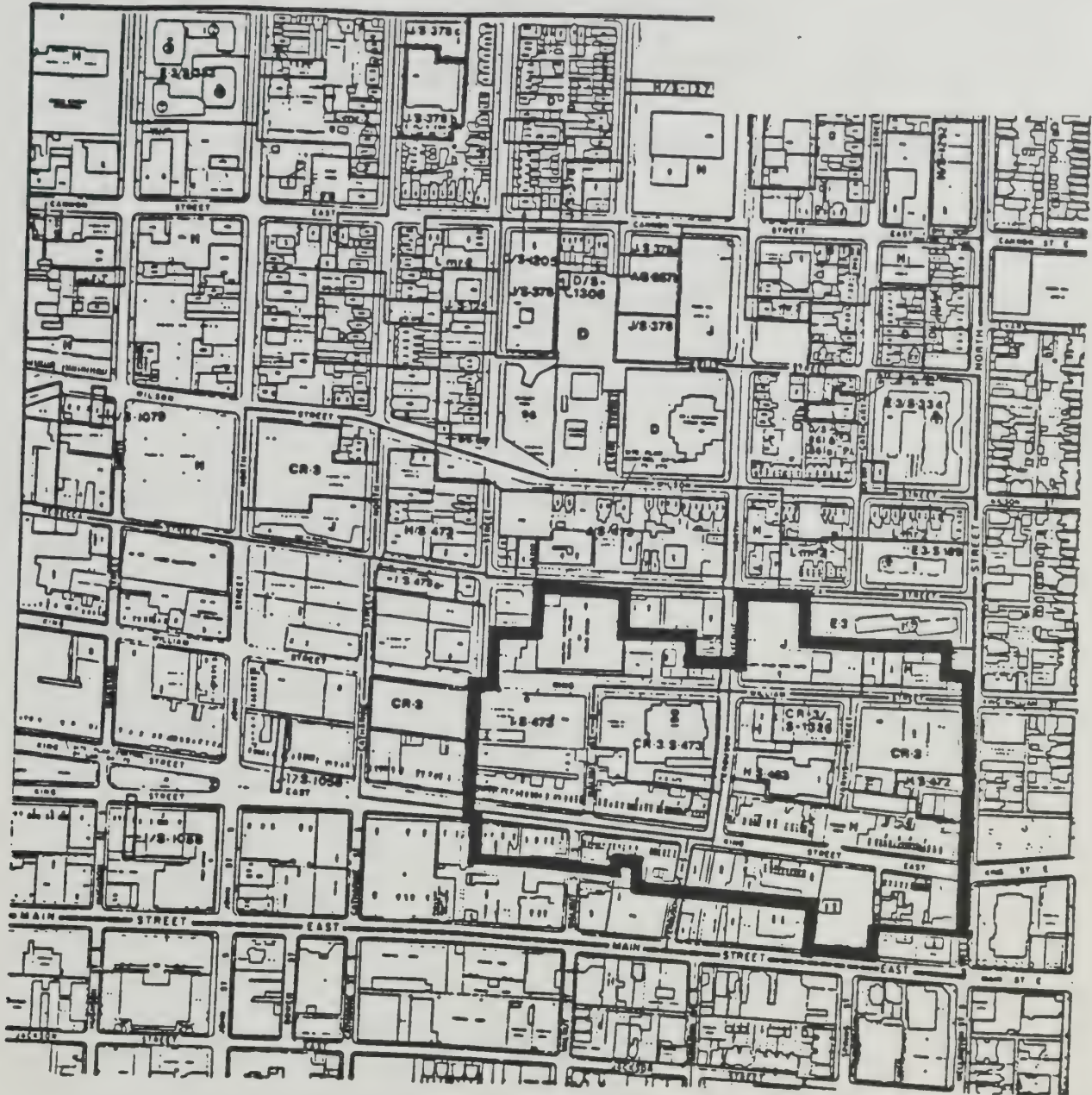




All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<table border="1"> <tr><td>40</td><td>107</td><td>108</td></tr> <tr><td>127</td><td>21</td><td>10</td></tr> <tr><td>82</td><td>41</td><td>31</td></tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p> <p>----- Neighbourhood Boundary ----- Zoning Boundary.</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth</p>	40	107	108	127	21	10	82	41	31	<p>CITY OF HAMILTON</p> <p>CENTRAL ZONING</p> <p>SCALE 1:1000</p> <p>Planning Unit No. 6704</p> <p>Page No. 21</p>
40	107	108								
127	21	10								
82	41	31								

<p>CITY OF HAMILTON</p> <p>BEASLEY ZONING</p> <p>SCALE 1:1000</p> <p>Planning Unit No. 6703</p> <p>Page No. 10</p>



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-283.

<table border="1"> <tr> <td>107</td> <td>108</td> <td>98</td> </tr> <tr> <td>21</td> <td>10</td> <td>96</td> </tr> <tr> <td>41</td> <td>31</td> <td>128</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p>	107	108	98	21	10	96	41	31	128	<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p>
107	108	98								
21	10	96								
41	31	128								
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department at The Regional Municipality of Hamilton-Wentworth</p>	<p>SCALE 1:1000</p> <p>8703</p> <p>10</p>									

B.

CITY OF HAMILTON
- RECOMMENDATION -

SEP 14 1994 SEP 4 3 45S

DATE: 1994 September 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Community Improvement Programme (C.I.P.) -
Westdale Village Business Improvement Area (B.I.A.)
1994 Request

RECOMMENDATION:

1. That, the attached Appendix 'A' outlining the Westdale Village B.I.A. project for implementation under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$6,500.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

At its meeting held 1987 January 29 City Council approved the Department of Community Development's Capital Budget submission of \$500,000. per year for the next 5 years for a total of \$2,500,000. for the Commercial Improvement Program. The Account Number is CF 5000 428705000.

At its meeting held 1994 July 26 City Council approved the inclusion of \$2,400. in the Public Works Department's 1994 Operating Budget for garbage pick-up three times per week, for the eight new litter containers in the area of the Westdale Village B.I.A.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). Since 1987 B.I.A.'s have applied annually to the Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage containers and paving of alleyways.

For the Committee's information, the Westdale Village B.I.A. is awaiting a decision on the redevelopment of the parkette islands within the B.I.A. boundaries before allocating the remainder of their C.I.P. funds.

FW
ME wif
W Attch.
c.c.

Mr. A. Ross, City Treasurer
Mr. B. Chrystian, Manager, Parks Division

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS

1994

BIA	Item	Cost
Westdale Village	8 litter containers	\$ 6,500.
		\$ 6,500.

TOTAL ESTIMATED COST OF C.I.P. REQUEST

\$6,500.

Ch)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 August 31 SEP 02 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng
Building Commissioner

SUBJECT: Commercial Loan Programme
250 Ottawa Street North (94.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) be approved for Christina and Charalampos Kaltsidis for improvements at 250 Ottawa Street North. The interest rate will be four per cent amortized over ten years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 250 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Christina and Charalampos Kaltsidis for improvements to 250 Ottawa Street North in the amount of \$25,000. The loan will be amortized over a ten year period at four per cent interest. The monthly payments will be \$253.11 and will be secured by a Promissory note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Law Department

CH:1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 August 31 SEP 02 1994

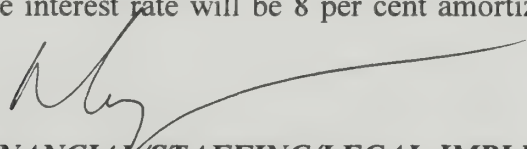
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
221 Brucedale Avenue East
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and fifty two dollars (\$1,552.) be approved for Grant Young, 221 Brucedale Avenue East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Grant Young, 221 Brucedale Avenue East, in the amount of \$1,552. The electrical work has been completed and the Department recommends approval in the amount of \$1,552. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

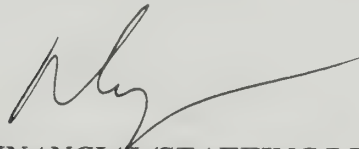
Cbii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 August 31 SEP 02 1994
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P.Eng.
Building Commissioner
SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
6 Frederick Avenue
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Randy and Laurie LeClair, 6 Frederick Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Randy and Laurie LeClair, 6 Frederick Avenue in the amount of \$2,000. The roof has been repaired, and the Department recommends approval in the amount of \$2,000. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

Ceil

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 12 **SEP 13 1994**

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
206 BAY STREET NORTH - Tag Number 92850
(94.1.1.A)

RECOMMENDATION:

That this department recommend denial of a demolition permit for 206 Bay Street North.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map W-3)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: 2 storey wood frame insul brick dwelling

The house is located in the Central Area approved by the Council for Demolition Control under Section 33 of The Planning Act. A building permit for a new building has not been applied for. Therefore, we recommend denial of demolition for the above address. No LACAC interest. Lot size 25.500' x 76.00'.

The owner of the property as per the demolition permit is:

Charles Scibetta
R.R. #1, Troy, Ontario

SH/EB/zr

Cc:ii)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 13 1994

DATE: 1994 September 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
82 VICTORIA AVENUE NORTH
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 82 Victoria Avenue North.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "DE-3" (Map E-13)

PRESENT USE: Single Family Dwelling

PROPOSED USE: J.C. Beemer Park

BRIEF DESCRIPTION: 2-½ storey brick house

Owner wishes to demolish existing house as land is required for the assembly of the J.C. Beemer Park. No LACAC interest. Lot size 38.120' x 151.380'.

The owner of the property as per the demolition permit is:

City of Hamilton

 EB/zr

Cciii

CITY OF HAMILTON

- RECOMMENDATION -

SEP 13 1994

DATE: 1994 September 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
794 WEST 5TH STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 794 West 5th Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Map W-9B)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Expressway

BRIEF DESCRIPTION: One storey wood frame/brick veneer single family dwelling

Owner wishes to demolish the existing house as land is required for proposed expressway. No LACAC interest. Lot size 70' x 210'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

EB/zr

Cd)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 September 14

REPORT TO: Len King, P. Eng.
Building Commissioner

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Hamilton Rehabilitation Programme (H.A.R.P.)
43 Barton Street West (94.2.4.2.1.A)

RECOMMENDATION:

That the following Hamilton Rehabilitation Programme (H.A.R.P.) application be approved in an amount not to exceed \$7,500.

Luigi and Eileen Unelli
43 Barton Street West

NOTE: The actual amount of grant or loan to be determined by inspection of the property under Property Standards By-law 74-74, and pursuant to By-law 78-133 for the Hamilton Rehabilitation Programme (H.A.R.P)


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

For the information of the members of the Committee, the total number of applications to date processed under the Hamilton Rehabilitation Programme is three hundred and forty-four (344).

LCK/JHR/dc

c.c. R. Camani, Treasury Department

Da)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 14 1994

DATE: 1994 September 13
ZAR-94-24
Crown Point West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for removal of the 'H' (Holding) Symbol - No. 60
Dalhousie Ave.

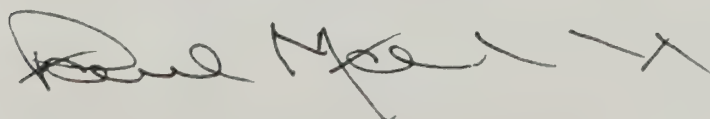
RECOMMENDATION:

1. That approval be given to Zoning Application 94-24, Mrs. Hyesoon Lee, owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to permit a parking lot use, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-law No. 89-82, and Zoning District Map E-43 for presentation to City Council, for lands located at No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan.

EXPLANATORY NOTE:

The purpose of this By-law to remove the 'H' (Holding) symbol, for lands located at No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "A". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan. In this regard, a Site Plan was submitted and has been approved by the City.

The effect of the By-law is to permit the use of the subject lands for a parking lot in conjunction with the adjacent commercial property to the east.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 89-82

On February 28, 1989, City Council passed By-law 89-82 which provides for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" - 'H' (Public Parking Lots) District for the property located west of Ottawa Street North at No. 60 Dalhousie Avenue. The effect of the By-law was to permit the use of the subject property for a parking lot in conjunction with the adjacent commercial property to the east. The 'H' (Holding) symbol was placed on the subject lands because a Building Permit is not required for a parking lot. As such, the 'H' (Holding) symbol was placed on the subject lands to ensure that site plan approval was received prior to the use of the subject lands as a parking lot.

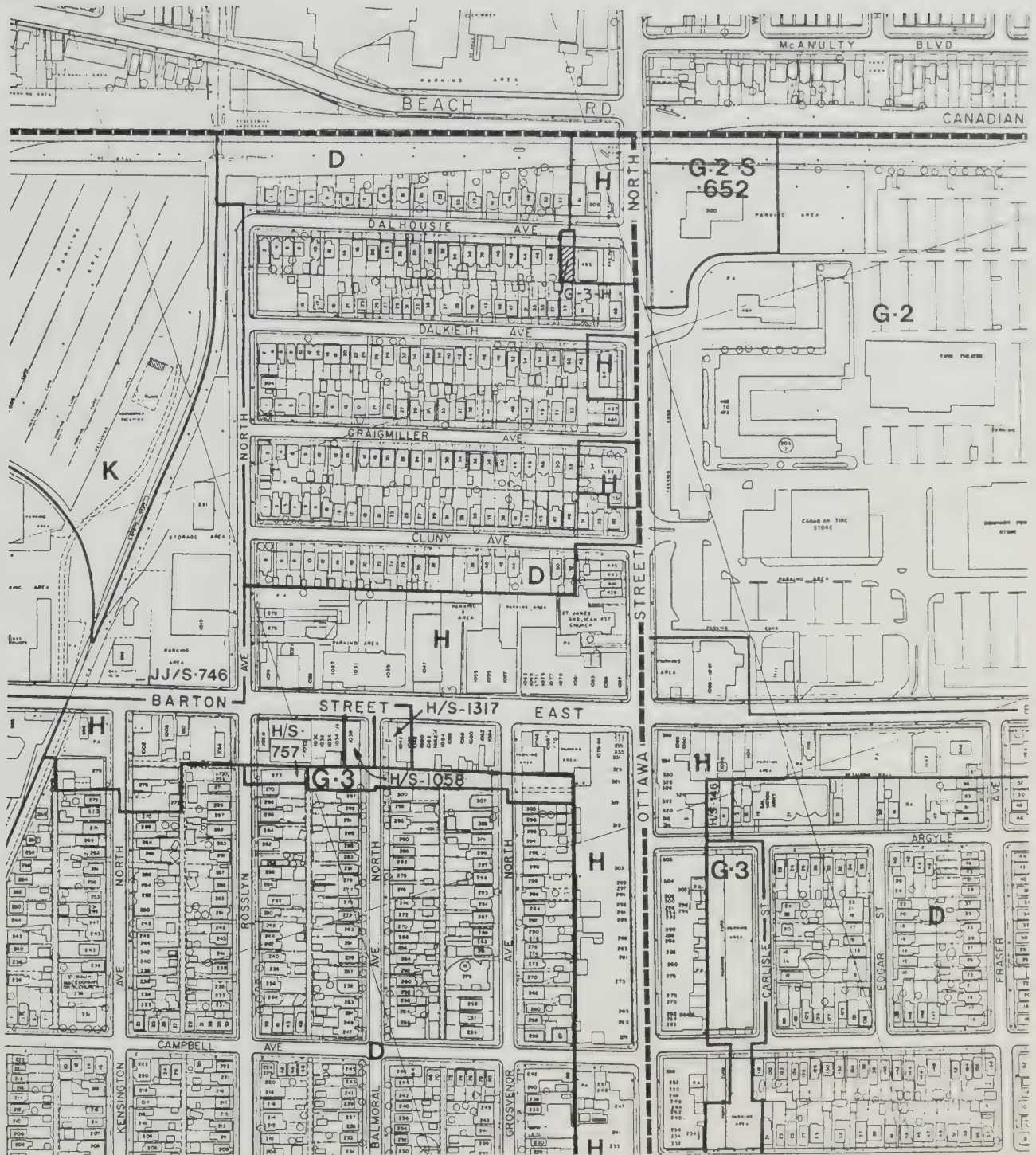
- Site Plan Application (DA-89-83)

On November 24, 1989, plans and drawings were approved under Site Plan Control Application DA-89-83, subject to various conditions.

CONCLUSION:

On the basis that a Site Plan has been approved by the City, it is appropriate to remove the 'H' (Holding) symbol from the above property.

SR/sr
94-24



Legend



Site of the Application

ZAR-94-24

APPENDIX 'A'

Db)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 14 1994

DATE: 1994 September 12
(OP-BURL)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: City of Burlington Official Plan - City of Hamilton
Response

RECOMMENDATIONS:

1. That Council of the City of Hamilton has no objections to the policies and designations in the City of Burlington Official Plan since it does not affect the planning intentions of the City of Hamilton; and,
2. That the City Clerk forward City Council's decision to Halton Region.

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The City of Burlington initiated a review of its Official Plan to update policies and establish a long range planning framework for the municipality. The Plan incorporates new policy directions that were initiated by the Federal, Provincial and Regional governments, in addition to the input received from the general public, community leaders, business community and focus groups.

OFFICIAL PLAN:

During the drafting of the Official Plan, the City of Burlington provided the municipality with the opportunity to comment on the Plan as it progressed through the various stages.

The new Plan includes:

- *policy framework* provided the overall context of the Plan;
- *functional policies* which are policies which apply across the City, regardless of land use (i.e. transportation, environmental, etc.);
- *land use policies for both the urban and rural areas;*
- *implementation policies;*
- *schedules and tables; and,*
- *definitions.*

The lands abutting Hamilton are designated "greenlands" to reflect the RBG lands and "Low Density residential" to reflect the existing housing in the area. The policies affecting these two designations, as well as others in the Plan, do not have an impact on the planning intentions of the City of Hamilton.

For the information of the Committee, the City of Burlington projects the population will be 180,000 persons by the year 2011 and an employment level of 85,000.

CONCLUSION:

Based on the foregoing, the new Official Plan for the City of Burlington does not affect the planning intentions of the City of Hamilton.

JHE/jhe

E

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 14

REPORT TO: Members, Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to Members of the Committee under separate cover, be received for information purposes:

- (a) Regional Clerk's Office, Priorities for 95 and Youth Round Table on the Environment and Economy, dated 1994 August 17
- (b) Regional Clerk's Office, Annual Vision 2020 Sustainable Community Day, dated 1994 August 17
- (c) Regional Clerk's Office, 163 - Revisions to the Planning Act and other related Acts, dated 1994 August 17
- (d) City Treasurer, Summary of Revenues and Expenditures for the Six Months ended 1994 June 30 Compared with Budget, dated 1994 August 24
- (e) City Solicitor, Legal Non-Conforming Uses, dated 1994 September 7
- (f) Commissioner of Planning and Development, Approved Site Plan Control Applications, dated 1994 September 13.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

T. Agnello

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1994



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 October 5

9:30 o'clock a.m.

Room 233, City Hall

A handwritten signature in cursive script, reading "Touzel".

Charlene Touzel, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. Official Plan Review
 - (a) The Need for an Official Plan Review - Comments from the Public (no copy)
 - (b) City of Hamilton Official Plan Review - Authorization for the Preparation of a Terms of Reference
2. Zoning Application 94-17, Frank Ricci, prospective owner, for a change in zoning from "HH" District to "DE-3" District, modified, for lands located at No. 2535 King Street East (Tabled from last Meeting)
 - (a) Submission - Alderman Dominic Agostino
3. Zoning Application 94-23, Mike Jovanovic, owner, for a further modification to the "HH" District, for lands located at No. 2826 King Street East
4. City Initiative 94-D, for a general text amendment to the City of Hamilton Zoning By-Law No. 6593, respecting public Parking Lots in the Downtown Area and "CR" Districts throughout the City

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

5. Zoning Application 94-19, Proposed Draft Plan of Subdivision 25T-94004, "Tiffany" Chedoke Health Corporation, for a change in zoning from "AA" District to "C" District (Block "1"), "A" District (Blocks "2" and "4") and "R-4" District (Block "3"), Mountview Neighbourhood
6. Mountview Neighbourhood - Referral of the Official Plan Amendment and Secondary Plan to the Ontario Municipal Board
7. **CONSENT AGENDA**
8. **OTHER BUSINESS**
9. **ADJOURNMENT**

16

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 27
(OP-5YR)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

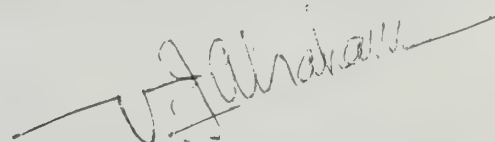
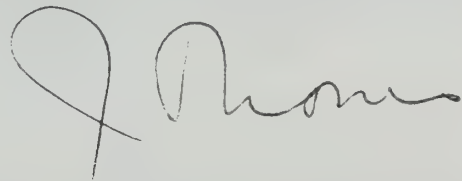
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: City of Hamilton Official Plan Review - Authorization for
the Preparation of a Terms of Reference

RECOMMENDATION:

That the Planning and Development Committee direct the Planning and Development Department to prepare a detailed Terms of Reference for the Official Plan Review including an outline of the issues to be studied, the timing and the cost and staffing implications.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1982, the Ministry of Municipal Affairs and Housing approved the Official Plan for the City. Subsequent to that time, 128 amendments have been processed including 5 housekeeping amendments. These amendments have kept the Plan relatively up-to-date by including new Provincial policies, new planning directions initiated by the City, wording and mapping changes.

In May 1994, the Region adopted their new Official Plan entitled *Towards a Sustainable Region* which embraces the new philosophies of the 1990's such as sustainable development, environmental awareness, etc. It also identifies a number of initiatives that local area municipalities must undertake to bring their Plans into conformity with the Regional Official Plan such as identifying mixed use corridors, watershed planning, etc.

OFFICIAL PLAN REVIEW:

From a legal perspective, Section 26(1) of the Planning Act requires:

"The council of every municipality that has adopted and had an approved official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purposes of determining the need for a revision of the official plan."

In this regard, the October 5, 1994 Planning and Development Committee constitutes the public meeting as required under Section 26 of the Planning Act.

Prior to the commencement of the Review, it is appropriate to prepare a detailed Terms of Reference outlining:

- the issues to be discussed;
- the manner in which the Review will be undertaken;
- the public participation process;
- the timing; and,
- the costs (i.e. staff complement, funding sources, publications, advertising, etc.)

A report will be brought forward to the Planning and Development Committee for the first meeting of 1995, including a summary of the submissions received by the public at the October meeting.

CONCLUSION:

That the Planning and Development Committee direct the Planning and Development Department to prepare a detailed Terms of Reference for the Official Plan Review including an outlining of the issues to be studied, the timing and the cost and staffing implications.

JHE

p&doct.94

2

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 27
ZAC-94-17
Corman Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a change in zoning - 2535 King Street East

SECOND REPORT

RECOMMENDATION:

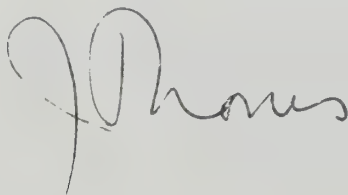
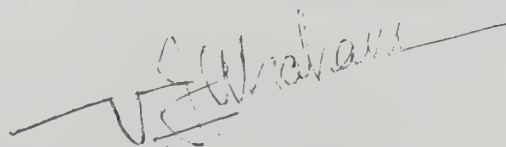
1. That approval be given to amended Zoning Application 94-17, Frank Ricci, prospective owner, requesting a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, to permit the use of the subject land for a Residential Care Facility (retirement home) for 20 residents, for property located at 2535 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 10C.(1)(i) of Zoning By-law No. 6593, a residential care facility for the accommodation of a maximum of 20 residents being qualified Senior Citizens shall be permitted; and,
 - (ii) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line;

- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-96 be notated S - ;
- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council;
- d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, modified, for lands located at 2535 King Street East, as shown on APPENDIX "A".

The effect of the By-law is to permit a 2½ storey building for a residential care facility (retirement home) for a maximum of twenty (20) residents being qualified senior citizens. In addition, the By-law requires that a landscaped planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Planning and Development Committee Meeting

At its meeting of September 21, 1994 the Planning and Development Committee **tabled** the application to allow for a meeting between the Ward Aldermen and the applicant to clarify the use of the proposed Residential Care Facility for senior citizens.

- Proposal

It is the applicant's intention to change the zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, to permit the use of the subject land for a 2½ storey Residential Care Facility (retirement home) for 20 residents, for property located at 2535 King Street East. A modification to the regulations of the "DE-3" District is required in order to increase the maximum permitted number of residents from six (6) to twenty (20). The facility will provide seven (7) parking spaces with a visual barrier and planting strips to buffer the parking area from the adjacent residential uses. The applicant has amended the application to reduce the number of residents from 24 to 20 and to reconfigure the parking area and driveway to minimize any potential adverse affects on the adjacent residential uses (see APPENDIX "B").

Planning History

- In 1990, plans and drawings were approved under Site Plan Control Application DA-90-05 for a restaurant with an apartment on the upper level. However, the owner decided not to proceed to the construction phase in 1990.

APPLICANT:

Frank Ricci, prospective owner.

LOT SIZE AND AREA:

- 9.507 m (31.167 ft.) of lot frontage on Potruff Road;
- 42.67 m (140.0 ft.) of lot flankage on King Street East; and
- 975.5 m² (10,426 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"HH" (Restricted Community and Shopping Commercial) District
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

to the south	Public Open Space	"AA" (Agricultural) District and "H" (Community Shopping and Commercial, etc.) District
to the east	Multiple Family Apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Public Open Space (Potruff Park)	"B1" (Suburban Agricultural and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" Land Use Concept plan of the Official Plan. The following policies would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provision for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use

of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law."

The proposal conforms with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are located in the Corman Neighbourhood. There is no approved plan for the Corman Neighbourhood.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - The License Division, City Clerk's Department;
 - The Hamilton Region Conservation Authority; and,
 - Regional Planning Branch.
- The Building Department has advised that:
 - "1. The proposed use is a "**Residential Care Facility**".
 2. The proposed DE-3 zone only permits a residential care facility for a maximum number of six (6) residents.
 3. A residential care facility for twenty-four (24) residents require a minimum of eight (8) parking spaces.
 4. No concept drawing has been submitted to determine compliance of Zoning By-Law 6593."

Upon review of the revised application for a residential care facility for a maximum of twenty (20) residents, the Building Department advised that:

"Based on a lot area of 968.58 m² (10426 sq. ft.) the following min./max. are required:

Landscaped Area: 242.15 m² (2606.51 sq. ft.) min.

Gross Floor Area: 871.71 m² (9383.42 sq. ft.) max.

Based on a Residential Care Facility for twenty (20) persons a min. of seven (7) parking spaces are required."

- The Traffic Department has advised that:

"The proposed change in zoning to permit the development of a retirement home is satisfactory."

The Traffic Department has subsequently advised that:

"We recommend that access to Pottruff Road be relocated as shown in red on the attached plan. It is our understanding that access to the subject property will not be affected by any construction related to the north/south freeway in the future.

The applicant should be advised to contact Mr. H. Groen of the Regional Roads Department to determine what approvals, if any, are required to permit the access driveway within the existing daylight triangle of the intersection of King Street and Pottruff Road."

- The Roads Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

Our comments with respect to DA-90-05 dated March 8, 1990 are applicable to this application.

The subject lands are to be developed under site plan control. Since there will be access overlaps with the property to the east, at the time the site plans are dealt with, arrangements with the owner to the east will have to be made in respect to the access. We can support this type of use with the entrance locations as specified in the zoning report."

In 1990, the Roads Department advised that:

"No further road widenings are required at this time. These plans should be submitted to the East West/North South Freeway Project office.

In the absence of any details shown, we advise that any work within the road allowance limits, as widened, must conform to the respective streets By-laws.

We require 5m X 5m visibility triangles adjacent to the access in which the mature height of vegetation, objects, etc, must not exceed a height of 0.08 m above the corresponding centerline elevation of abutting streets.

The access design will be reviewed by Traffic Department. The applicant should be aware, he will require an access permit prior to the construction of the accesses."

- The Department of Social Services advised that:

"In response to your request for comments on the above, Mr. Ricci is not known to our Department. We are aware, however, of approximately 270 empty beds in our subsidized lodging home system. Our colleagues in the Public Health Services Department advise that there are also vacancies in retirement homes that cater to seniors not requiring a subsidy."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it is consistent with the intent of the "RESIDENTIAL" designation in the Official Plan which encourages the development of a range of residential care and short-term care facilities in all areas of the City;
 - ii) there are no other residential care facilities established within the prescribed 180 metre radial separation distance. The Social Services Department has advised that although there does not appear to be any need in the community for the development of any more second level lodging homes, the proposed residential care facility is located in an area of the City in which few lodging homes exist. As such, the proposal implements the City's Official Plan which encourages the distribution of residential care and short-term care facilities in all areas of the City;
 - iii) the subject lands are located on a major road and would be compatible with established development in the surrounding area comprised of an apartment

building to the east and single detached dwellings to the north;

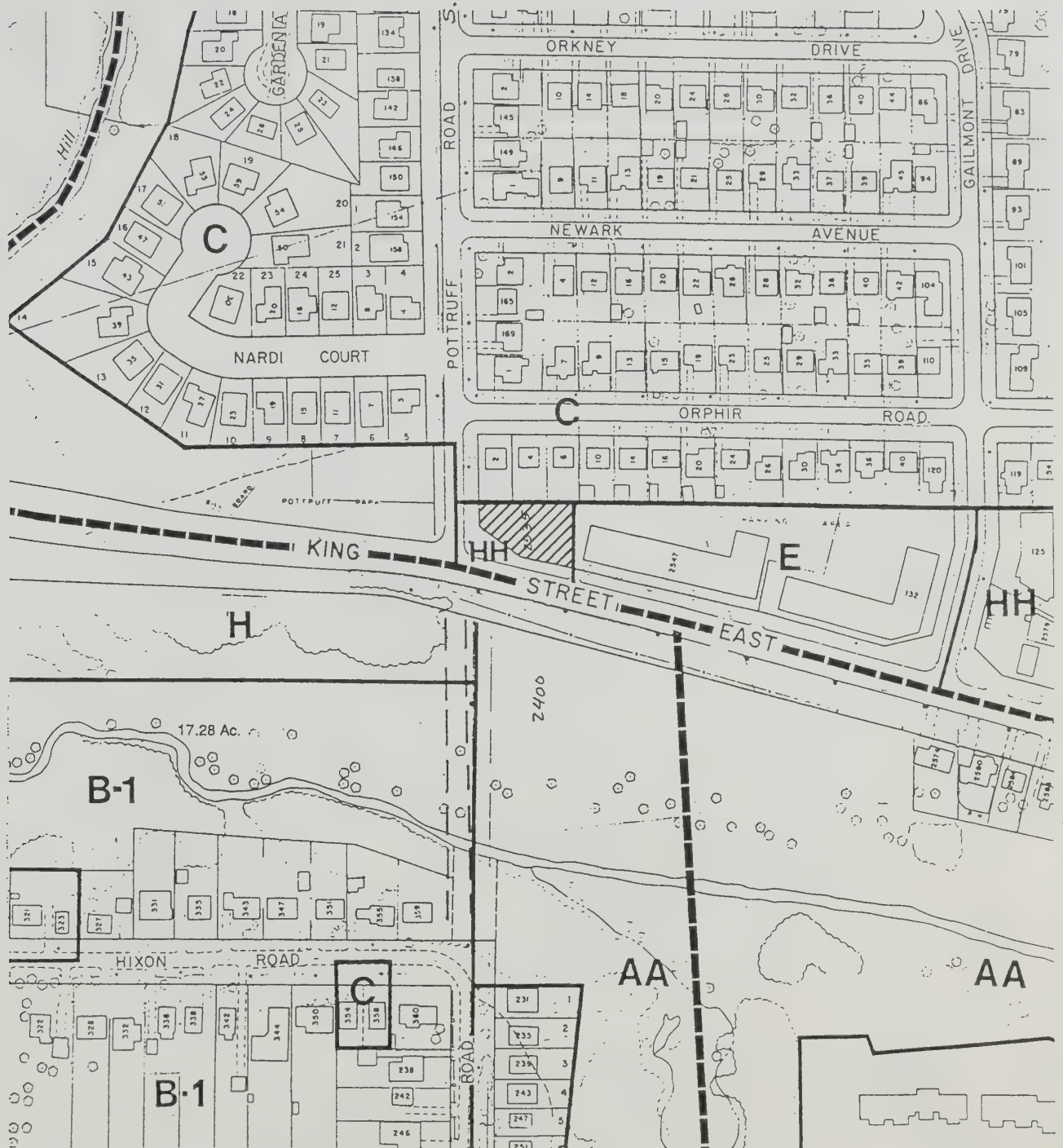
- iv) the subject lands are bounded by an "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to the east and "H" (Community Shopping and Commercial, etc) District, to the south-west, which permit the proposed use as-of-right (i.e. Residential Care Facility - max. 20 residents). In this regard, the proposal is an infill situation; and,
- v) the site is appropriate for the intended use given its location on a major arterial road and it is close to public transit. The proposed residential care facility for qualified senior citizens would be compatible with the existing development pattern along King Street East.

5. The "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. will be reviewed at the site plan control stage of development.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

SR/sr
94-17



Legend

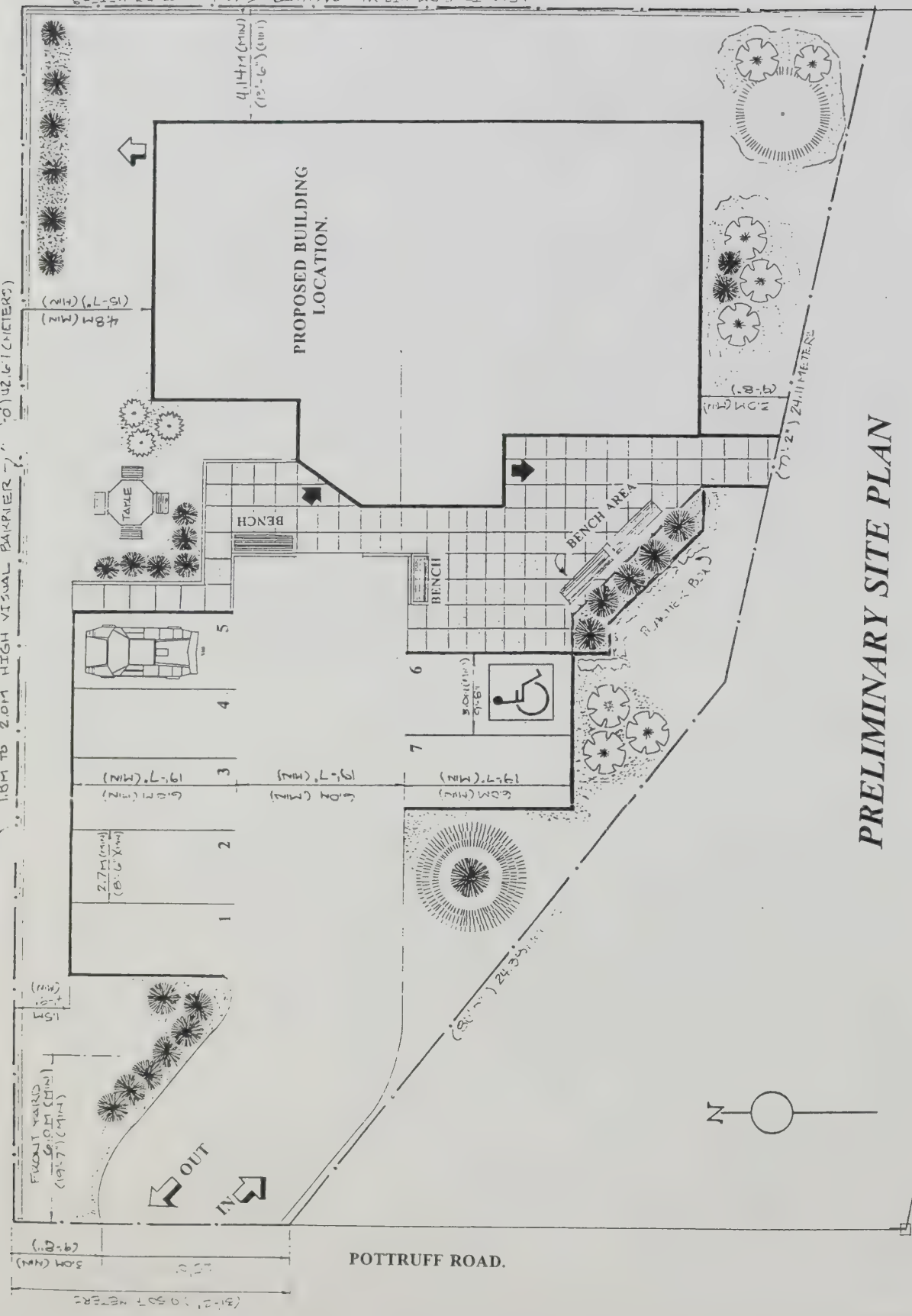


Site of the Application



(5'-9") TO (6'-6")
1.8M TO 2.0M HIGH VISUAL BARRIER

1.5M TO 2.0M VISUAL BARRIER (5'-9") TO (6'-6")
1.5M TO 2.0M VISUAL BARRIER (5'-9") TO (6'-6")



PRELIMINARY SITE PLAN

Distributed to: Alderman Drury; Alderman Eisenberger; Mayor Morrow;
D. Carson, Executive Assistant to the Mayor; V. Abraham, Director of Local
Planning; P. Noé Johnson, City Solicitor, Law Department; M. Main, Traffic
Department, D. Lobo, Director of Public Works - 1994 Sept 19

Sept. 19
Distributed Sept. 19/94 me.

2a

Committee

c.c. Mr. Paul Mallard,
Division Head,
Planning Department

PLANNING & DEVELOPMENT
LOCAL PLANNING BOARD

SEP 16 1994

PHQ

SR

C.C. Tina Agnello
Secretary, Planning + Development Committee

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4 Tel. 546-2730 · Res. 574-0179 · Fax 546-2535



3

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 27
ZAR-94-23
Gershome Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for modification in zoning - 2826 King Street East

RECOMMENDATION:

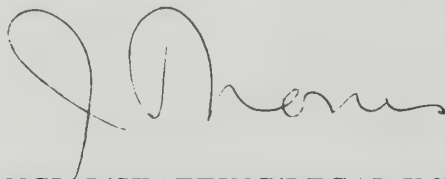
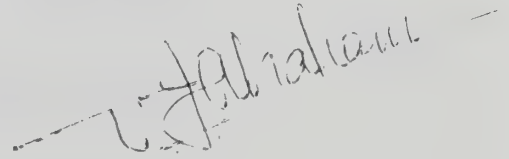
1. That approval be given to Zoning Application 94-23, Mike Jovanovic, owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit business and professional offices, including medical, within the existing building, for lands located at No. 2826 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulation as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 87-40, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 14A(1) of Zoning By-law No. 6593, business and professional offices shall be permitted only within the existing building;
 - b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1002a and that the subject lands of Zoning District Map E-106 be noted S - 1002a;
 - c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council;

- d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification in zoning to the "HH" (Restricted Community Shopping and Commercial) District, modified, for lands located at 2826 King Street East.

The effect of the By-law is to permit business and professional offices, including medical, only within the existing building.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has requested a further modification to the established "HH" District to permit professional offices including medical within the existing two storey dwelling on the subject lands.

- Zoning Application ZA-86-90

City Council, at its meeting of January 13, 1987, approved an application to rezone the subject lands from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.), District, modified, to permit the conversion and expansion of a two storey building for establishment of a restaurant having a seating capacity of 144 persons. The Gershome Neighbourhood Plan was amended in 1987 by redesignating the subject lands from "Low Density Apartments" to a "Commercial" land use designation. A modification to the "HH" District was required to permit a restaurant on the subject lands. The implementing By-law was passed on February 10, 1987.

APPLICANT:

Mike Jovanovic, owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of 39.6 metres (130.00 feet) on King Street East;
- a depth of 56.1 metres (184.00 feet); and,
- a lot area of approximately 2,218 metres² (0.548 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Detached Dwelling	"HH" (Restricted Community and Shopping Commercial) District, Modified
<u>Surrounding Land Use</u>		
to the north	Police Station	"E-2" (Multiple Dwellings) District, Modified
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Residential	"AA" (Agricultural) District
to the west	Single Detached Dwellings and Commercial	"HH" (Restricted Community and Shopping Commercial) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2."

The following policies of Subsection A.2.2 - Commercial Uses should be noted:

"A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectares in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

A.2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans."

The subject lands are located between two land uses classes on Schedule A - Land Use Concept to the Official Plan. As such, the following policy of Subsection D.8 - Interpretation should be noted:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedule "B", "B-1", "B-2", "B-3", "C", "D", "F", "G" and "H" are only intended to be general in nature and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of the Plan."

The proposed professional offices are not considered to be local commercial in nature and would normally require a redesignation from "Residential" to "Commercial". However, the subject lands are located close to the boundary of two land use classes ("Residential" and "Commercial") and

as such the proposal complies with the intent of the Official Plan and amendment is not required based on policy D.8.2.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial/Residential Conservation" in the approved Gershome Neighbourhood Plan. The proposal complies with the intent of the approved plan.

COMMENTS RECEIVED:

- The following Agency has no comment or objection:
 - Regional Planning Branch
- The Building Department advises:

"1. The parking area shall be designed in accordance with Section 18A of By-law 6593."
- The Traffic Department advises:

"In response to your letter of 1994 August 17, please be advised that we have reviewed the above application and find it satisfactory."
- The Roads Department advises:

"We have reviewed the above application and submit the following comments:

 1. Public watermains as well as separate sanitary and storm sewers are available to service the subject lands.
 2. The designated road allowance width of King Street is 36.58m. According to our records, the required road widening will occur on the north side of this section of King Street only. Therefore road allowance widenings are not required from the subject lands at this time.
 3. In the absence of any details shown, we advise that any works which may occur within the King Street road allowance must conform to the Region of Hamilton-Wentworth Road Use By-law.

4. We recommend that these lands be developed through site plan control. At that time we will provide more specific comments on access, parking, grading etc. As the applicant is aware, there is a vertical crest curve on King Street which limits visibility entering King Street looking east. Prior to the preparation of detailed site plans, the applicant may wish to contact this Department to discuss the optimum location of the access to King Street."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - It implements the intent of both the Official Plan and the approved Gershome Neighbourhood Plan which designates the lands as "Commercial/Residential Conversion".
 - The proposed professional offices, including medical, would be restricted to the existing building.
 - The proposed commercial uses will result in the preservation of the existing building and will therefore result in the preservation of the streetscape of this area.
 - It would be compatible with existing and planned commercial development in the area around King Street East and Greenhill Avenue.
3. The requested further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District is appropriate and would be subject to site plan control. In this regard, the applicant is required to submit site plans of the development for approval which would allow for the review of access, parking, grading, etc. prior to the issuance of a building permit.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
94-23



ZAR-94-23



APPENDIX A

4

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 28
(CI 94-D)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Deletion of "Public Parking Lots" as a Permitted Use in the
Downtown Area and "CR" (Commercial/Residential)
Districts

RECOMMENDATIONS:

A. That approval be given to City Initiative 94-D, to delete "public parking lots" as permitted uses in the "CR" (Commercial-Residential) Districts throughout the City and for those lands located in the downtown area, as shown on the attached map marked as APPENDIX "A", on the following basis:

(a) That Section 2.(2)D.(iii) of Zoning By-law No. 6593 be amended by:

- i) adding the word ", structure," between the words "building" and "or";
- ii) deleting the words ", of" between the words "only" and "motor-driven";
- iii) deleting the words "pursuant to previous arrangements and not to transients"

so the entire clause reads as follows:

"garage, storage" shall mean a building, structure, or portion thereof used for housing only motor-driven vehicles, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation,

repaired, hired or sold;"

(b) That Section 14.(1)(viii) of Zoning By-law No. 6593 be amended by:

- i) deleting the words "or a" between the words "bath" and "theatre", and replace with a comma;
- ii) adding "or a public parking lot located in the area shown on Schedule "K"." at the end of the clause;

so the entire clause reads as follows:

"Any commercial use permitted in an "E" or "G" District without a limitation on the number of employees except a massage parlour, public bath, theatre, or a public parking lot located in the area shown on Schedule "K"."

(c) That Section 15.(1)(ii) of Zoning By-law No. 6593 be amended by adding the phrase at the end of the clause "or a public parking lot located in the area shown on Schedule "K".";

so the entire clause reads as follows:

"Any commercial use which is permitted in a residential district or other commercial district except a penny arcade or a only public parking lot for areas shown on Schedule "K"."

(d) That Section 15A.(1)(xvii) of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause;

so the entire clause reads as follows:

"Parking spaces, or a storage garage;"

(e) That Section 15B.(3)(b)17. of Zoning By-law No. 6593 be deleted in its entirety and replaced with the following clause:

"Parking spaces, or a storage garage;"

(f) That Section 15B.(3)(b)20. of Zoning By-law No. 6593 be deleted in its entirety;

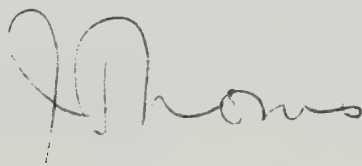
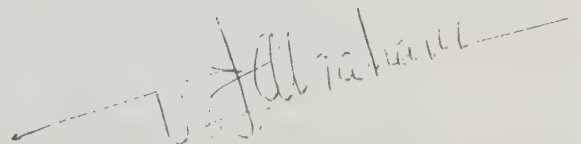
(g) That Section 15B.(21) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause.

- (h) That Section 15B.(23) of Zoning By-law No. 6593 be amended by deleting the phrase "(Shall not apply to a public parking structure)" at the end of the clause.
 - (i) That Section 22 of Zoning By-law No. 6593 - Restricted Areas By-laws Repealed of Zoning By-law No. 6593 be amended by adding a new Schedule "K" marked as APPENDIX "A";
 - (j) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (k) That the proposed text amendment is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That an inter-departmental staff committee comprised of representatives from the Planning and Development, Roads, Building and Traffic Departments be established to develop guidelines for the location of future parking lots in the downtown area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a general text amendment to Zoning By-law No. 6593, respecting parking lots within the downtown area and "CR" (Commercial Residential) Districts.

The effect of the by-law is to remove surface parking lots as a permitted use in any zoning district in the downtown area, with the exception of "G-3" (Public Parking Lots) Districts, and to remove surface parking lots and parking structures as permitted uses in all "CR" (Commercial-Residential) Districts throughout the City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Since 1989, a trend has emerged in the downtown which involves the demolition of buildings, and in their place parking lots are established. Examples include the demolition of the Zellers

building, Robinsons building, Dare factory, dwelling adjacent to Philpott Church, etc. Generally, parking lots function as temporary uses until such time as the economic climate is favourable for redevelopment.

The increase in the number of parking lots can be attributed to a number of factors: the high vacancy rate within buildings; taxes on vacant buildings are higher than those on parking lots; and, parking lots generate revenue. From the owners perspective, there appears to be economic benefits:

- the demolition of the building results in lower taxes;
- there is no longer the financial commitment to maintaining the building; and,
- the use of the land as a parking lot is a temporary use that can be ceased at any time but revenue can be generated in the mean time.

As a result of this trend, the Planning and Development Committee, at its meeting in August 1993, approved the recommendation of CAPIC "to undertake a City Initiative to delete 'Public Parking Lots' as a permitted use from all zoning districts, except "G-3" (Public Parking Lots) District."

As per the direction of the Planning and Development Committee and City Council, the Planning and Development Department is undertaking a review of public parking lots as a permitted use in downtown zoning districts.

OTHER PLANNING INITIATIVES RELATING TO PARKING LOTS:

- Design Standards for Parking Lots

In 1993, City Council approved new design standards and regulations for parking lots across the City. The by-law requires a 3.0 m. landscaped strip along any highway or right-of-way. There are additional setback and landscaping requirements for parking lots that abut residential uses and districts.

With respect to the downtown area, the 3.0 m landscaping requirement provides significant aesthetic benefit with respect to streetscape enhancement, beautification and ensures safety along roadways.

- Lighting Standards for Parking Lots

In 1994, City Council approved minimum lighting standards for public parking lots at grade, which is to be administered through the site plan approval process. The provision of lighting will create a sense of security and personal safety in these areas.

- Parking requirements in the Central Business District

In May 1994, the Planning and Development Committee and City Council adopted the recommendation of the Planning and Development Department to maintain the present parking requirements for commercial developments in the Central Business District; and to maintain the "Cash-in-lieu" of Parking Policy.

The study was initiated by the Coopers Lybrand report which suggested the downtown area not be exempted from the parking requirements and if the "cash-in-lieu" of parking policy was applied, it should be based on 100% of the cost of providing the parking.

- Application of Demolition Control Conditions

In July 1994, City Council approved to invoke the demolition control provisions of Section 33 of the Planning Act for buildings with a residential component in the Central Area. Demolition Control allows the City to deny a demolition permit until such time as the applicant receives a building permit. In addition, there may be conditions attached to the building permit which would require the applicant to complete the building within a specified period of time (i.e. two years). The impetus behind the use of demolition control was to discourage demolition of buildings and its replacement with a temporary parking lot.

- Other Municipal Requirements

Public parking lots are required to be licensed by the City. The Licensing Department issues a "Garage D" licence for a one year period.

Since all the lands within the Central Area are under Site Plan Control, all public parking lots are subject to Development Agreements. In addition, the Licensing Department will hold new Garage "D" licences in abeyance until parking lots have received site plan approval.

OFFICIAL PLAN:

The deletion of public parking as a permitted use does not conflict with the intent of the Official Plan. Further, it is noted that the Official Plan designates the downtown as "Central Policy Area". The following policy regarding parking in the "Central Policy Area" should be noted:

"A.2.8.8 *To encourage the use of Public Transit and reduce the potential use of private automobiles in the CENTRAL POLICY AREA, Council may discourage the use of public parking facilities for long-term commuter parking in the AREA.*"

CENTRAL AREA PLAN:

The Central Area Plan has specific policies dealing with parking in the downtown core. The removal of parking lots as a permitted use would support Policy 4.8.7 that states:

"4.8.7 To preserve and promote the economic health of the downtown core as the Regional economic centre, sufficient parking spaces should be available. Parking facilities should be improved, both by the City and privately. These spaces should be conveniently located and operated in such a manner as to encourage their use for short term parking needs for shopping, entertainment, and business. As such, parking should be provided in accordance with the following provisions:

- iv) Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion. They will be encouraged to locate in the Downtown Core."*

The Central Area Plan attempts to restrict the location of public parking lots to the areas designated "Downtown Core" on the Plan's Land Use Schedule. This area coincides with the commercial core of the City - the commercial centre at King and James and the extended commercial areas of King Street East and West and James Street North and South.

ZONING BY-LAW NO. 6593

The Zoning By-law differentiates between "public parking lots" and "storage garage" (public parking structure). A "Public Parking Lot" is defined as:

"an open area, other than a public thoroughfare, used for the temporary parking of more than four motor driven vehicles and available for use of the public, whether free or for compensation or as an accommodation for clients or customers."

A "public parking structure" is not specifically defined, but is considered to be a "storage garage". The Zoning By-law currently defines a "storage garage" as follows:

"shall mean a building, or portion thereof used for housing only, of motor-driven vehicles pursuant to previous arrangements and not transients, and where fuels and lubricants are not sold, and motor-driven vehicles are not equipped for operation, repaired, hired or sold;"

The term "public parking structure" is only found in the "CR" (Commercial/Residential) Districts.

Public Parking lots are permitted in the following zoning districts within the downtown core:

- "G-3" (Public Parking Lots) District
- "H" (Community Shopping and Commercial, etc.) District
- "I" (Central Business) District
- "HI" (Civic Centre Protected) District
- "CR-1" (Commercial-Residential) District
- "CR-2" (Commercial-Residential) District
- "CR-3" (Commercial-Residential) District
- "J" (Light and Limited Heavy Industry, etc.) District

A "storage garage" is permitted in all the above districts with the exception of "G-3" (Public Parking Lots) District.

The "I" and "HI" Districts are located only in the downtown area, whereas the other districts can be found throughout the City. In this regard, amendments to the Zoning By-law will be on a site specific basis as well as a general text amendment.

SURVEY OF OTHER MUNICIPALITIES:

A survey was undertaken of 10 major Canadian municipalities to determine if they permit parking lots in their downtowns, and if so, how they are regulated. The results of the survey are summarized by APPENDIX "B".

Two municipalities (Halifax and St. Johns) do not permit parking lots or garages in their downtowns. Another two municipalities (Calgary and Winnipeg) permit parking uses only as discretionary or conditional uses. The cities of Montreal and London permit parking structures within existing downtown zones, but do not permit parking lots. The City of Ottawa permits parking lots only by passing a temporary use by-law (maximum three year periods). Three cities (Regina, Thunder Bay, Vancouver) permit both parking garages and lots in existing downtown zones.

Further to the above, three of the municipalities (Calgary, London and Regina) surveyed indicated they have also experienced problems with the demolition of buildings in their central business

districts, to provide for parking lots. Four cities (Halifax, Ottawa, Thunder Bay and Vancouver) indicated that they had not experienced problems with the demolition of buildings.

Based on the above survey results, it can be summarized that:

- a few municipalities indicate that parking in the downtown is not a problem, in total seven out of the ten municipalities surveyed do not permit surface parking lots as- of-right in downtown zones;
- three municipalities permit parking uses as discretionary, temporary or conditional uses only;
- a total of four municipalities do not permit parking lots in the downtown (two of which prohibit all parking and two of which allow structures for parking, but not parking lots);
- the trend illustrated by the survey of major cities, is to exercise greater control over parking lots in the downtowns through discretionary, conditional or temporary zoning, or to prohibit them in the downtown zones.

In comparison, Hamilton appears to exercise far less control than most major municipalities over the location of surface parking areas in its downtown.

SUPPLY OF PARKING WITHIN THE DOWNTOWN:

An inventory of parking lots, in the Central Business District was undertaken by the Planning and Development Department (updated in 1993). The inventory of downtown parking lots revealed that:

- approximately 1/2 of the available parking spaces were being utilized during normal business hours;
- parking rates were indicative of an oversupply; and,
- usage of municipal car parks in the Central Business District (65% of the total spaces) illustrates an oversupply of parking in the downtown.

RESULTS OF CIRCULATION:

- The Clerk's Department, Licence Division has no comment.
- The Parking Authority of the City of Hamilton has advised that:

"Having reviewed the above document I can advise that its intent and direction are in harmony with the aims and objectives of the **Parking Authority** and that the Authority will give its full support."

- The Regional Roads Department has advised that:
 - "1. We are generally supportive of this initiative since it is consistent with the overall intent of the Regional Transportation Study. This proposal will give the City a tool to regulate parking in the Downtown Area through specific zoning applications. In so doing, the implications on the availability of parking and the free market enterprise should be closely monitored.
 2. We understand that a number of properties remain vacant pending the opportunity for consolidated land development at some future date and that the parking on these lands is a short term use.
 3. We recommend that the parking lots in the Downtown Area still be subject to site plan control."

- The Traffic Department has advised that:

"..... Consideration should be given to the possible consequences of note permitting the use as public parking lots. If the current trend to demolish vacant buildings continues, the result may be an increase in the number of properties left simply vacant and undeveloped.

The report indicates that the removal of public parking lots as permitted uses does not imply that no additional surface parking lots will be permitted and the City will evaluate each proposed parking lot on its own merits through the rezoning process.

Prior to presenting this initiative at a public meeting, it is essential that a comprehensive evaluation criteria be developed to inform the present owners and developers of properties in the downtown area of how each application will be evaluated.

We recommend that an inter-departmental technical committee be established to develop the evaluation criteria prior to the public meeting."

ANALYSIS:

As discussed, there has been a proliferation of parking lots in the downtown core. Of the licensed parking lots approximately 26% have been established within the last five years, primarily through the destruction of buildings on these sites.

The establishment of parking lots on these sites previously occupied by buildings has economic and planning repercussions.

- a) it creates gaps in the urban fabric (building form);
- b) it undermines the viability of the existing commercial uses by creating gaps in the commercial frontage, thereby, eroding the downtown;
- c) in some cases, there would be a loss of a building of architectural and historical significance;
- d) a negative impact on pedestrian flows since cars travel across the sidewalks accessing parking lots, thereby interrupting pedestrian movement;
- e) the establishment of parking lots in the downtown encourages long term commuter parking, and discourages the use of public transit, which is undesirable;
- f) it is contrary to Vision 2020 which encourages the intensification of the core of the City; and,
- g) it discourages or delays redevelopment, since revenue can be realized by using vacant lands for parking.

In this regard, it would be appropriate to remove parking lots as a permitted use within the downtown area.

The removal of public parking lots as permitted uses does not imply that no additional surface parking lots will be permitted. Rather, it is considered appropriate for such uses to be the subject of a rezoning, so the City can evaluate each parking lot on its own merits.

It should be noted the problems associated with parking lots detailed above, for the most part, would not apply to parking structures (ie. they are not temporary uses). Consequently, the proposed amendment to the Zoning By-law would remove surface parking lots as permitted uses from the downtown, however, parking structures (storage garages) would still be permitted.

In addition, site specific by-laws which list a public parking lot as a permitted use will not be affected by this general text amendment.

ADDITIONAL COMMENTS:

1. The proposal complies with the intent of the Official Plan and Central Area Plan.

2. As a result of the proposed general text amendment, additional corrections to the Zoning By-law have become evident.

Change to the Definition of Storage Garage

The definition of a storage garage traditionally includes a parking structure. However, the definition is outdated; it is suggested the wording be changed to include a direct reference to the word "structure" and to remove the reference "to previous arrangements and not for use by transients".

In addition, the word "public parking structure", which is only found in the "CR" (Commercial/Residential) Districts, is proposed to be removed and replaced with "storage garage". This is consistent with defined terminology used elsewhere in the By-law.

Deletion of Public Parking Lots in the "CR" Districts

It has been noted that public parking lots are permitted within the "CR" (Commercial/Residential) districts. The intent of the district is to have either commercial or commercial/residential buildings; it was never intended to allow parking lots on their own. In this regard, it would be appropriate to delete "public parking lot" as a permitted use in **all** "CR" districts. This would not affect parking areas which are accessory to a permitted use.

There are a few "CR" districts located outside the downtown area.

3. It should be noted that all existing parking lots, within the downtown area, which are not zoned "G-3" (Public Parking Lots) District, would become legal non-conforming uses. In this regard, those lots existing at the time the proposed By-law is passed could be maintained with legal non-conforming status.
4. Based on the inventory of parking lots in the downtown, there currently appears to be an oversupply of parking spaces. In this regard, the proposed changes to the Zoning By-law should not create a shortage of parking spaces.
5. **It is noted the elimination of public parking lots in the downtown is not a panacea to the demolition of commercial buildings (Residential buildings are under Demolition Control). However, the Planning and Development Department will monitor the situation and if warranted, take additional actions.** For the information of the Committee, the City, based on Council's decision, is pursuing special legislation to allow the demolition control provisions of the Planning Act to heritage buildings.

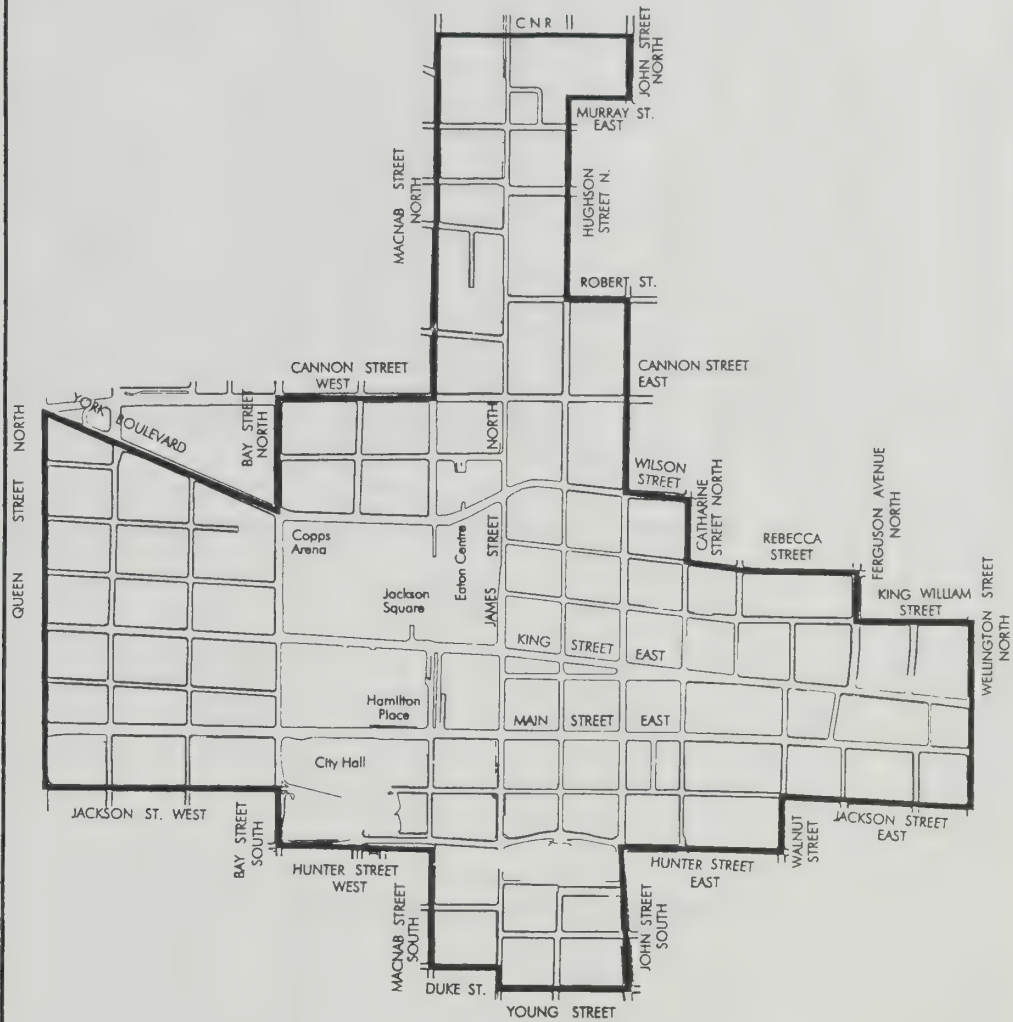
6. That an inter-departmental staff committee comprised of representatives from the Planning and Development, Roads, Building and Traffic Department be setup to develop guidelines for the location of future parking lots in the downtown area. With regards to future applications, each department is circulated the zoning application and if it is necessary then staff can meet to discuss any possible problems.

CONCLUSION:

Based on the foregoing, it would be appropriate to remove "public parking lots" as a permitted use in the downtown area as well as the "CR" (Commercial/Residential) districts.

JHE/CLM:jhe/clm

94D



Schedule "K" to Zoning By-Law No. 6593

This is Schedule "A" to By-Law No. 9 -
 Passed the day of, 199

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 9 -
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



Public parking lots not
 permitted within this area.

North



Scale
 Not to Scale

Date
 AUGUST 1994

Reference File No.

CI 94 - D

Drawn By

R. L.

APPENDIX A

PARKING LOTS IN THE DOWNTOWN

MUNICIPALITY	PARKING LOTS /PARKING GARAGES WITHIN EXISTING ZONE	BUILDINGS TORN DOWN REPLACED WITH PARKING LOTS	ADDITIONAL COMMENTS
Calgary	Permitted as Discretionary Uses	Yes	<ul style="list-style-type: none"> Each parking lot approved as a discretionary use for a max. of 3 years, after expiry new development permit required they have design standards for parking lots
Halifax	Not Permitted	No	<ul style="list-style-type: none"> Requires a Development agreement to permit parking lots in downtown
London	Yes (garage) No (lots)	Yes	<ul style="list-style-type: none"> zones outside the downtown allow both parking lots and structures
Montreal	Yes (garages) No (lots)	Not identified	<ul style="list-style-type: none"> conditional approval required for specific zones
Ottawa	Yes (lots)	No	<ul style="list-style-type: none"> permitted by temporary use by-law for maximum periods of three years
Regina	Yes (garages/lots)	Yes	

PARKING LOTS IN THE DOWNTOWN

MUNICIPALITY	PARKING LOTS /PARKING GARAGES WITHIN EXISTING ZONE	BUILDINGS TORN DOWN REPLACED WITH PARKING LOTS	ADDITIONAL COMMENTS
St. John's	Not permitted	Isolated cases only	<ul style="list-style-type: none"> Parking areas put under conditional zoning
Thunder Bay	Yes (garages/lots)	No	
Vancouver	Yes (garages/lots)	No	<ul style="list-style-type: none"> Parking is not allowed in front of retail stores in commercial districts to maintain pedestrian orientation Parking garages only allowed in CBD office core parking lots not allowed in pedestrian oriented areas
Winnipeg	Permitted as a conditional use	Not identified	

5

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 27
ZAC-94-19
Mountview Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: (1) Proposed Re-zoning Application
(Hamilton ZAC-94-19); and,

(2) Proposed Draft Plan of Subdivision
(Regional File 25T-94004).

RECOMMENDATION:

1. That Zoning Application ZAC-94-19, Chedoke Health Corporation, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), "A" (Conservation, Open Space, Park and Recreation) District (Blocks "2" and "4") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "3") be DENIED for the following reasons:
 - i) The application conflicts with Council adopted policy;
 - ii) The application conflicts with the approved Mountview Neighbourhood Plan; and,
 - iii) The application is considered to be premature pending resolution of the status of the Official Plan Amendment and Neighbourhood Plan.
2. That the request from Mr. Barry Clarke of A. J. Clarke and Associates, on behalf of Chedoke Health Corporation for approval of a draft plan of subdivision - "Tiffany", comprising of 173 lots for single family dwellings in the Mountview Neighbourhood, under Regional File 25T-94004, be DENIED.

3. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

G. Jones

Yahya Kemal

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Chedoke Health Corporation.

Agent:

Barry Clarke, A. J. Clarke and Associates Limited.

Surveyor:

Barry Clarke, O.L.S., A. J. Clarke and Associates Limited, Hamilton.

Location:

The lands are located between Scenic Drive and Chedmac Drive, west of Rice Avenue, in the Mountview Neighbourhood, City of Hamilton.

Lot Size and Area:

The subject property has:

- a width of 143 metres (469 feet);
- a depth of 658 metres (2,159 feet); and,
- a lot area of approximately 13.83 hectares (34.17 acres).

Rezoning Proposal

- The applicant is requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), "A" (Conservation, Open Space, Park and Recreation) District (Blocks "2" and "4") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "3").

Subdivision Proposal

- The proposal is to permit the development of 173 lots for single family dwellings (26 small lot singles and 147 single lots) and various blocks for stormwater detention, roadway and future development purposes (see APPENDIX "B").

History

- In 1993, Chedoke Health Corporation made an application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan Amendment for the redesignation of lands adjacent to and surrounding Chedoke Hospital. The application was for:
 1. Redesignation of a portion of the lands from "Major Institutional" to "Open Space" and "Residential";
 2. Creation of a Secondary Plan to the Official Plan which specifies land use densities for the subject lands; and,
 3. The introduction of specific policies to the Official Plan for the subject lands.
- At its meeting held on June 20, 1994, Planning and Development Committee denied the application on the following basis:
 - "1. That Official Plan Amendment Application OPA-MTV, Chedoke Health Corporation, owner, requesting a redesignation of lands within the Mountview Neighbourhood from "Major Institutional" to "Residential" and "Open Space"; to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area; and to establish new policies relating to the introduction of a new Schedule "J-1", as shown on APPENDIX "A", be DENIED for the following reason:
 - a) the proposed development is not desirable for the subject lands.
 2. That the request by Chedoke Health Corporation to amend the Mountview Neighbourhood Plan, in accordance with Schedule "J-1" of Official Plan Amendment Application OPA-MTV, as shown on APPENDIX "A" be DENIED for the following reason:
 - a) the proposed development is not desirable for the subject lands."

- At its meeting of July 26, 1994, City Council denied the application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan Amendment.
- Chedoke Health Corporation has requested that the proposed Official Plan Amendment be referred to the Ontario Municipal Board (O.M.B.). In order that the O.M.B. may consider the rezoning and subdivision application in conjunction with the Official Plan Amendment, the applicant has requested that circulation take place prior to the applicant referring the rezoning and subdivision to the Ontario Municipal Board.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural)" District
<u>Surrounding Land Use</u>		
to the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.)
to the south	Institutional and Recreational uses	"AA" (Agricultural) District
to the east	Institutional uses	"AA" (Agricultural) District
to the west	Institutional uses	"AA" (Agricultural) District

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Existing Development". The proposal does not conflict with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan The lands are designated **Major Institutional** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The following policies, amongst others, should be noted

- "A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.
- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential

policies set out in Subsections A.2.1 and C.7 of the Plan." (O.P.A. No. 5)

The following policies of Subsection A.2.1 - Residential Uses should also be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows."

Based on policy A.2.6.5, the residential component of the proposal would comply with the Official Plan provided that policies A.2.1.8 and C.7.1 i) are satisfied. Policy A.2.1.8 requires that an application conform with Subsection D.2 - Planning Units and Neighbourhood Plans. As the proposal does not comply with the approved Neighbourhood Plan, the application conflicts with Subsection D.2. Therefore, as the tests contained in policy A.2.1.8 are not met, the residential component of the proposal does not comply with the Official Plan.

Based on policy A.2.6.1, the open space component of the proposal does not comply with the Official Plan. As such, an Official Plan amendment is required to redesignate Blocks 2 & 4 from "Major Institutional" to "Open Space".

It is noted that the application for an Official Plan Amendment which encompassed the subject lands was denied by City Council.

Neighbourhood Plan The lands are designated "Civic & Institutional" in the approved Mountview Neighbourhood Plan. The proposal does not comply with the approved Mountview Neighbourhood Plan.

The applicant had submitted an application to amend the Neighbourhood Plan. The application was denied by the Planning and Development Committee on July 20, 1994.

Zoning The lands are zoned "AA" (Agricultural)" District. The applicant has requested a change in zoning for the subject lands. The requested changes in zoning are shown in APPENDIX "A".

COMMENTS FROM CIRCULATION:

1. Re-zoning Application:

- The following agencies have no comment or objection:

- the Building Department
- the Ministry of Transportation
- the Traffic Department
- the Niagara Escarpment Commission

- The Hamilton Region Conservation Authority has advised:

"Block 2 of the subject property is proposed to be rezoned "A" (Conservation, Open Space, Park and Recreation) District. This Block will be used for stormwater management (quantity/quality) purposes. The stormwater management report prepared for the Mountview Neighbourhood Plan outlines that a traditional stormwater management pond that is fenced and incorporates 3:1 side slopes is proposed. Through our discussions with the Region's Transportation and Environmental Services Department, it is our understanding that this is not suitable.

Both the Transportation and Environmental Services Department and the Ministry of Natural Resource are encouraging the owner of the subject property to develop a stormwater management report that utilizes the natural features of the land and incorporates "natural pond" design. This would include ensuring that the areas needed for natural stormwater management ponds are of a sufficient size. Authority staff fully support stormwater management that implements "natural design" features.

The subject property is located within the Mountview Neighbourhood Plan area. Authority staff note that this Neighbourhood Plan has been turned down by Council. The revised Neighbourhood Plan should examine "natural design" and the utilization of the natural features of the land in stormwater management.

Based on the above, staff of the Hamilton Region Conservation Authority view application ZAC-94-19 as being premature."

2. Subdivision Application:

The proposal was circulated to various departments and agencies for review and comment. To date, no objections to the approval of the application have been received. However, the Hamilton Region Conservation Authority has noted that the Neighbourhood Plan has been turned down by Council and has requested that a revised Neighbourhood Plan examine a "natural design" and utilization of the natural features of the land in stormwater management.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan of the City of Hamilton. The application requires an Official Plan Amendment to redesignate the subject lands from "Major Institutional" to "Residential" and "Open Space". The application conflicts with Council adopted policy in that the application for an Official Plan Amendment, Secondary Plan and Neighbourhood Plan was denied by Council at its meeting of July 26, 1994, contrary to staff recommendation, following an extensive public meeting process.
2. The proposal conflicts with the approved Mountview Neighbourhood Plan. A neighbourhood plan amendment would be required to redesignate the lands from "Civic & Institutional" to "Single and Double Residential" and "Open Space".
3. The application is considered to be premature pending resolution of the status of the Official Plan Amendment and Neighbourhood Plan.

However, should the Committee consider the application favourably, then it will be necessary to hold a public meeting in accordance with the provisions of the Planning Act and the City of Hamilton Official Plan.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

SR/sr
94-19

DRAFT PLAN OF

TIEFANY

7 TO 226,796 TO 263,704 TO 307,346 TO 351 (ALL INCLUDING
LOTS 375,376,253 AND PART OF BEAMES ABERNETHY MOORE
MILLER A HOME AND MEDTON A HOME

Made by State of Ohio at Columbus, O., March 28, 1901.

ART OF LOTS 56 AND 57—CONCESSION 2
GEORGIAN TOWNSHIP OF AMCASTER
CITY OF HAMILTON

323419136}$, $\frac{1}{151115727451828646838272}$, $\frac{1}{302231454903657293676544}$, $\frac{1}{604462909807314587353088}$, $\frac{1}{1208925819614629174706176}$, $\frac{1}{2417851639229258349412352}$, $\frac{1}{4835703278458516698824704}$, $\frac{1}{9671406556917033397649408}$, $\frac{1}{19342813113834066795298816}$, $\frac{1}{38685626227668133590597632}$, $\frac{1}{77371252455336267181195264}$, $\frac{1}{154742504910672534362390528}$, $\frac{1}{309485009821345068724781056}$, $\frac{1}{618970019642690137449562112}$, $\frac{1}{1237940039285380274899124224}$, $\frac{1}{2475880078570760549798248448}$, $\frac{1}{4951760157141521099596496896}$, $\frac{1}{9903520314283042199192993792}$, $\frac{1}{19807040628566084398385987584}$, $\frac{1}{39614081257132168796771975168}$, $\frac{1}{79228162514264337593543950336}$, $\frac{1}{158456325028528675187087900672}$, $\frac{1}{316912650057057350374175801344}$, $\frac{1}{633825300114114700748351602688}$, $\frac{1}{1267650600228229401496703205376}$, $\frac{1}{2535301200456458802993406410752}$, $\frac{1}{5070602400912917605986812821504}$, $\frac{1}{10141204801825835211973625643008}$, $\frac{1}{20282409603651670423947251286016}$, $\frac{1}{40564819207303340847894502572032}$, $\frac{1}{81129638414606681695789005144064}$, $\frac{1}{162259276829213363391578010288128}$, $\frac{1}{324518553658426726783156020576256}$, $\frac{1}{649037107316853453566312041152512}$, $\frac{1}{1298074214633706907132624082305024}$, $\frac{1}{2596148429267413814265248164610048}$, $\frac{1}{5192296858534827628530496329220096}$, $\frac{1}{10384593717069655257060992658440192}$, $\frac{1}{20769187434139310514121985316880384}$, $\frac{1}{41538374868278621028243970633760768}$, $\frac{1}{83076749736557242056487941267521536}$, $\frac{1}{166153499473114484112975882535043072}$, $\frac{1}{332306998946228968225951765070086144}$, $\frac{1}{664613997892457936451903530140172288}$, $\frac{1}{1329227995784915872903807060280344576}$, $\frac{1}{2658455991569831745807614120560689152}$, $\frac{1}{5316911983139663491615228241121378304}$, $\frac{1}{10633823966279326983230456482242756608}$, $\frac{1}{21267647932558653966460912964485513216}$, $\frac{1}{42535295865117307932921825928971026432}$, $\frac{1}{85070591730234615865843651857942052864}$, $\frac{1}{170141183460469231731687303715884105728}$, $\frac{1}{340282366920938463463374607431768211456}$, $\frac{1}{680564733841876926926749214863536422912}$, $\frac{1}{1361129467683753853853498429727072845824}$, $\frac{1}{2722258935367507707706996859454145691648}$, $\frac{1}{5444517870735015415413993718908291383296}$, $\frac{1}{10889035741470030830827987437816582766592}$, $\frac{1}{2$ [illegible]

0115 MOLES 0661 0.57

[illegible]

LABORATORY CERTIFICATE:

[illegible]

OWNER'S AUTHORIZATION.

[illegible]

AND LIFE SCREENING.

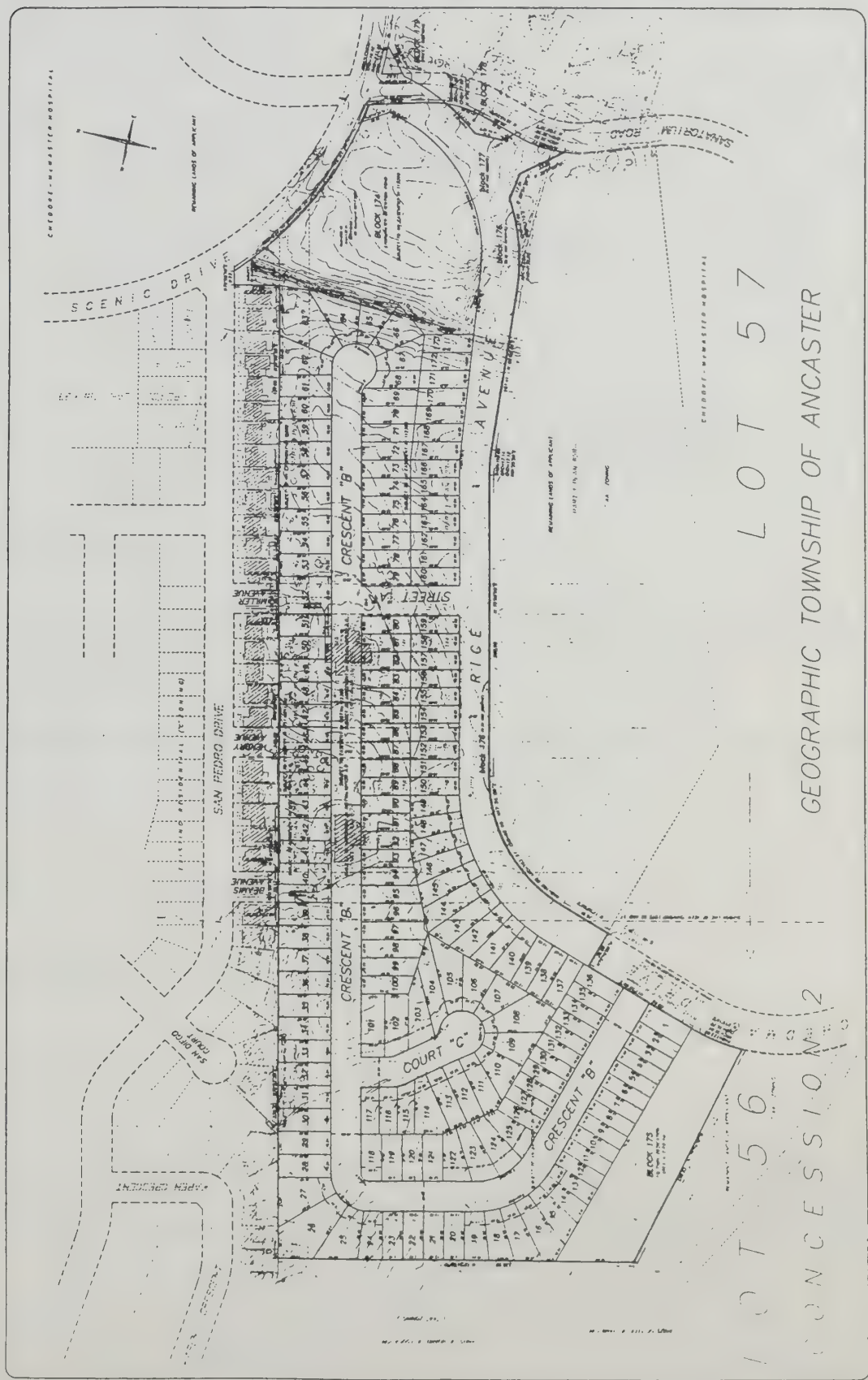
1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2

200000 / 100000 = 200000

APPROVAL DRAFT APPROVAL

[illegible]

A F. J. Clarke and Associates Ltd.
ONARIO LAND SURVEYORS, CONSULTING ENGINEERS



6

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 28
(OPA-MTV)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

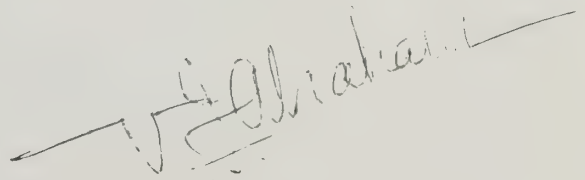
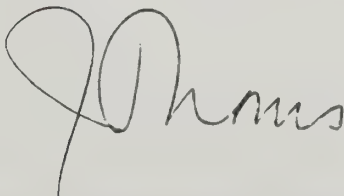
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Mountview Neighbourhood - Referral of the Official Plan
Amendment and Secondary Plan to the Ontario Municipal
Board

RECOMMENDATIONS:

1. That City Council reaffirm its decision of July 26, 1994 to deny the application for an Official Plan Amendment for lands owned by Chedoke Health Corporation, Mountview Neighbourhood; and,
2. That the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In March of 1993, Chedoke Health Corporation submitted an application for an amendment to the Official Plan for the City of Hamilton. The application was heard by the Planning and Development Committee, at a Public Meeting, on July 20, 1994. The application was denied by

Hamilton City Council at its meeting of July 26, 1994.

Since the July Council meeting, the applicant has submitted a request to the Regional Municipality of Hamilton-Wentworth to refer the application to the Ontario Municipal Board. The Region has circulated the referral request, for comments, to various agencies, including the City of Hamilton. Staff of the Regional Planning Department are proposing to recommend to refer the application to the Ontario Municipal Board at a future meeting of the Economic Development and Planning Committee.

The Region is asking for comments on the referral request. The amendment submitted to the Region for the referral is the same one as considered by the City Council on July 26, 1994. At that time, Council denied the application for an Amendment to the City of Hamilton Official Plan. There has not been any change in the application since Council's decision, nor has the applicant submitted any additional or new information relative to the application. Accordingly, it is appropriate for Council to reaffirm its decision of July 26, 1994 and that the Region be advised of Council's decision.

MLT/

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 October 5

9:30 o'clock a.m.

Room 233, City Hall

CONSENT AGENDA

A. ADOPTION OF MINUTES

Minutes of the Planning and Development Committee for its meeting held 1994 September 21

B. REFERRAL FROM CITY COUNCIL

Roomers and Boarders Task Force - Review Definition of Lodging House and Associated Definitions

C. SENIOR DIRECTOR - ROADS DEPARTMENT

Sheldon Estates, Hamilton - Cash in Lieu of 5% Parkland Dedication

D. BUILDING COMMISSIONER

Demolition Permit - 761 West 5th Street

E. COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

Authorization for Staff Attendance at Ontario Municipal Board Hearings

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1994 September 21
9:30 o'clock a.m.
Room 233, City Hall

A

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman D. Wilson
Alderman M. Kiss
Alderman B. Charters
Alderman H. Merling
Alderman W. McCulloch
Alderman F. D'Amico

Regrets:

Mayor R. M. Morrow, (Civic Business)

Also present:

Alderman D. Ross
Alderman D. Agostino
Alderman T. Anderson
Victor Abraham, Director, Local Planning
Joanne Hickey-Evans, Planning Department
Mary-Lou Tanner, Planning Department
Carolyn Floroff, Planning Department
Steve Robichaud, Planning Department
Nina Chapple, Planning Department
Mike Watson, Real Estate Division, Property Department
Eugene Chajka, Transport and Environmental Services
Len King, Commissioner, Building Department
Brian Allick, Building Department
John Robinson, Building Department
Tom Redman, Building Department
Art Zuidema, Law Department
Roland Karl, Traffic Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. Zoning Application 94-17, Frank Ricci, prospective owner, for a change in zoning from "HH" District to "DE-3" District, modified, for lands located at No. 2535 King Street East

The Committee was in receipt of a report from the Commissioner of Planning and Development and the Director of Local Planning Department dated 1994 September 16.

Mr. Jack Restivo was present and also Mr. Frank Ricci was present on behalf of his application. Mr. Restivo requested that the matter be tabled to allow discussions with the neighbours.

A submission was received by Alderman Agostino.

The Committee agreed that this matter be tabled in order to allow the applicant to meet with the neighbours to resolve concerns.

2. Zoning Application 94-21, U-Haul Co. of Canada Ltd., prospective owner, for a modification to the established "M-12" District regulations, for lands located at No. 1088 Rymal Road East

Terry Johns of May Pirie and Associates and Mat Lois were present on behalf of the applicant.

A submission was received by Janice Lattin of Trans Canada Pipelines.

As recommended by the Commissioner of Planning and Development in a report dated 1994 September 13, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application ZAR-94-21, U-Haul Co. of Canada Ltd., prospective owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit the rental of trucks (maximum of 6 vehicles), as an accessory use to the existing public storage facility, for property located at No. 1088 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (ii) Notwithstanding Section 17D.(1), automobile truck rental and leasing services, for a maximum of 6 vehicles, shall be permitted only as an accessory use to a public storage use, and the storage of rental vehicles shall be located only at the rear of the subject lands abutting the rear (south) lot line; and,
 - (iii) Section 18A.(1)(d) shall not apply to a public storage use and accessory automobile truck rental and leasing services.
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1332, and that the subject lands on Zoning District Map E-49E be notated S-1332; and,
- (c) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E, in a form satisfactory to the City Solicitor, for presentation to City Council; and,
- (d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

THE RULES OF ORDER WERE SUSPENDED IN ORDER TO HEAR THE AGENDA OUT OF ORDER

3. PRIVATE AND CONFIDENTIAL

(AA) City Solicitor - Almas Gardens, Phase III - Retaining Walls - 67 - 87 Firenze Street

Prior to moving into camera Alderman Ross requested from the Committee that the residents be allowed to speak since they were assured at a previous meeting that they would be invited to this meeting to hear their submissions. The Committee concurred with this request.

Bernie Sobinski of 75 Firenze Street was present. He stated that he has been in his house for ten (10) years and the wall has been down for four (4) years and he would like the City to do something about it.

Mr. G. Philpotts of 87 Firenze Street was also present. He wanted to know if the property was inspected. Mr. Chajka explained that it was inspected by a Consulting Engineering who completed the design of the site.

A discussion ensued with regard to whether the Inspector was in contact with the Builder during this time.

Mr. Philpotts felt that it is the responsibility of the City to ensure that these retaining walls were properly constructed.

Dennis Dunn of 83 Firenze Street was also present and stated that the retaining wall is constructed of painted timbers and not treated timbers thought elevation of the walls are 15 to 18 feet high. The onus of the repair has been on the residents of Firenze Street and this is unfair. The residents on Greencedar have not been cooperative and will not allow the Firenze residents to enter on the Greencedar properties to repair the wall. He said that it is a dangerous situation and the City should repair the walls. He stated that the City will be faced with a law suit if this is not adequately addressed.

Les Otter of 79 Firenze was also present and stated that the best way to repair the wall is to make it one continuous wall, and as such, the City should repair it from end to end. He said that the original building materials were inadequate.

Alderman Ross reiterated that the City has some responsibility, but that the Developers should be responsible for paying. He stated that the residents are put in an untenable situation since they are not allowed to access their properties from Greencedar. He felt that the residents have legitimate concerns.

Alderman D'Amico concurred with Alderman Ross and stated that the life of the walls which is approximately seven (7) years is not adequate. The life of a retaining wall should at least be fifteen (15) to twenty (20) years. He suggested that if approved that a limit should be placed whereas only the walls that are under ten (10) years old be repaired.

In response to a question from Alderman Ross, Art Zuidema advised that the City can not sue the Developer since the contract with the Developer has been fulfilled.

Following this discussion, the Committee resolved to move into closed session to discuss property and litigation matters and reconvened immediately thereafter with the following report:

That the staff of the Roads Department be directed to provide a private and confidential report to provide further information on the matter.

4. **COMMISSIONER OF PLANNING AND DEVELOPMENT AND DIRECTOR OF LOCAL PLANNING**

(a) **Bill 163 - Revisions to the Planning Act and Other Related Acts**

Steve Robichaud of the Planning Department was present and gave a brief overview to the members of the Committee with regard to the areas of concern being mainly the Committee of Adjustment; changes in OMB and Parkland Dedication.

Following the presentation a brief discussion ensued with regard to Public Meetings being held within 180 days commencing upon the date of a complete zoning application.

Another discussion ensued with regard to the definition of a Minor Variance. Alderman Eisenberger felt that this recommendation is of the utmost importance.

Aldermen Charters and D'Amico stated that they would not like the Province to dictate what a Minor Variance is and that this should be determined within the City of Hamilton for the City of Hamilton.

An amendment was placed on the floor to delete item (iii) of the Recommendation regarding the definition of a Minor Variance and was carried.

*Opposed - Alderman Kiss and Alderman Eisenberger

Subsequent to this, the Committee resolved to recommend to Council as follows:

That the Clerk be directed to forward the following recommendations and a copy of the report dated 1994 September 13 to the Standing Committee on the Administration of Justice, the Minister of Municipal Affairs and the Hamilton-Wentworth Region, and that they be advised that the City of Hamilton supports Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes related to planning and municipal matters:

- (i) Provided that the following changes be made to Part III, Planning Act, of Bill 163:

- (a) That Bill 163 should be amended to clarify as to whether or not appeals to Committee of Adjustment decisions can be heard by a committee of Council; and,
 - (b) That proposed Section 44(12) of the Planning Act be amended to clarify as to whether or not delegated approval authority could be divided between a staff member and a Committee; and,
 - (c) That proposed Section 22(1) of the Planning Act be amended to clarify that the requirement for a public meeting within 180 days commence upon receipt of a complete application, and that the decision on what constitutes a "complete" application be made by the municipality; and,
 - (d) That proposed Section 17(6) of the Planning Act be amended to allow municipalities to establish alternative time frames in their Official Plan regarding the timing of public meetings and council decision on a proposed Official Plan Amendment; and,
 - (e) That the Province be advised that the City of Hamilton does not support in their present form the proposed changes in Bill 163 to Section 42 of the Planning Act regarding parkland dedication. Rather, Bill 163 should be amended to clarify that the cash-in-lieu system utilized in the City of Hamilton will be permitted whereby an initial payment is made under Section 42 of the Planning Act at the time of subdivision and that this payment is credited against the cash-in-lieu payment required at the time of the issuance of the building permit; and,
 - (f) Bill 163 should be amended to allow for a mechanism to combine the requirements for two public meetings into one meeting where both the plan of subdivision and rezoning can be considered concurrently; and,
 - (g) That proposed Sections 51(6) and 53(23) of the Planning Act that will require public notification and allow for the appeal to the Ontario Municipal Board of a change in a condition of draft plan approval for a plan of subdivision or consent be deleted from Bill 163; and,
 - (ii) That the Province amend the proposed changes to Section 223.1 of the Municipal Act to authorize municipalities to control the removal of vegetation and/or tree cutting.
- (b) Monster Homes - City Initiatives 94(c) Authorization for a Public Meeting

As recommended in a report dated 1994 September 14, the Committee directed staff to hold a Public Meeting regarding "monster homes" and that the appropriate public notice be given.

5. LOT GRADING CONTROL

(a) City Solicitor

The Committee was in receipt of a report from the City Solicitor dated 1994 August 12.

The Committee took no action on this report.

(b) Senior Director, Roads Department and Building Commissioner

The Committee was in receipt of a report dated 1993 January 24.

The Committee took no action on this report.

6. BUILDING COMMISSIONER

(a) Ontario Home Renewal Programme - Disabled

As recommended in a report dated 1994 August 30, the Committee recommended to Council as follows:

That the Mayor be requested to write the Premier of Ontario requesting that the Province of Ontario reconsider its decision not to fund the Ontario Home Renewal Programme - Disabled.

(b) Barton Street Revitalization - Redevelopment Programme

As recommended in the report dated 1994 September 14, the Committee recommended to Council as follows:

- (a) That the Mayor with representation from the Planning and Development Committee, arrange a meeting with the Premier of Ontario to request the immediate implementation of the Barton Redevelopment Programme; and,
- (b) That the Mayor be directed to send a letter to the Premier and the Minister of Economic Development and Trade in support of the ongoing negotiations between the Province and the Hamilton Arts Community requesting that the various arts projects proceed to implementation as Regional negotiations continue on the Red Hill Expressway alignment.

7. CITY SOLICITOR

Penalty Sections for Various By-laws

As recommended in the report dated 1994 August 26, the Committee recommended to Council as follows:

That the appropriate By-law to incorporate offence and penalty sections in By-law Nos. 6593, 74-74, 87-150 and 74-290 regarding fines levied under the Zoning By-law, Property Standards By-law, Site Plan Control By-law and Demolition Control By-law be enacted.

8. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE - ST. MARKS ANGLICAN CHURCH, 130 BAY STREET SOUTH - STRUCTURAL REVIEW AND ESTIMATES FOR MAINTENANCE AND CONVERSION TO NEW USE

As recommended in a report dated 1994 September 15, the Committee recommended to Council as follows:

- (a) That a professional experienced in architectural conservation be hired to examine the current condition of St. Mark's Anglican Church, 130 Bay Street South, and provide cost estimates for the maintenance of the building and conversion to a new use; and,
- (b) That Staff be directed to investigate costs for undertaking the action as noted in (a) above in addition to investigating the availability of Provincial Grant Programs to offset these costs.

9. CONSENT AGENDA

(A) Approval of the Minutes

Minutes of the Planning and Development meeting held 1994 August 24 were adopted as circulated.

THE COMMITTEE RECOMMENDED TO CITY COUNCIL VARIOUS RECOMMENDATIONS AND REPORTS AS FOLLOWS:

(B) Acting Director of Public Works, Community Improvement Program, Westdale Village B.I.A. 1994 Request dated 1994 September 14

That the attached Appendix "B" outlining the Westdale Village B.I.A. project for implementation under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$6,500.

(C) Building Commissioner

(a) Commercial Loan Program - 250 Ottawa Street North dated 1994 August 31:

That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) be approved for Christina and Charalampos Kalsidis for improvements at 250 Ottawa Street North. The interest rate will be four per cent amortized over ten years.

(b) Hamilton Emergency Loan Programme (H.E.L.P.) dated 1994 August 31:

(i) 221 Brucedale Avenue dated 1994 August 31

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and fifty two dollars (\$1,552.) be approved for Grant Young, 221 Brucedale Avenue East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(ii) 6 Frederick Avenue dated 1994 September 12:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Randy and Laurie LeClair, 6 Frederick Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

(iii) 69 Houghton Avenue South dated 1994 September 12:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Yvonne Clow, 69 Houghton Avenue South. The interest rate will be 8 per cent amortized over 5 years.

(c) Demolitions

(i) 206 Bay Street North dated 1994 September 12:

That the Building Commissioner be directed to not issue a demolition permit for 206 Bay Street North.

(ii) 82 Victoria Avenue North dated 1994 September 8:

That the Building Commissioner be authorized to issue a demolition permit for 82 Victoria Avenue North.

(iii) 794 West 5th Avenue dated 1994 September 8:

That the Building Commissioner be authorized to issue a demolition permit for 794 West 5th Street.

(d) Hamilton Rehabilitation Programme - 43 Barton Street West dated 1994 September 14:

That a Hamilton Rehabilitation Programme (H.A.R.P.) application be approved in an amount not to exceed \$7,500 for Luigi and Eileen Unelli, 43 Barton Street West.

D. COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

(a) Zoning Application 94-24, Mrs. Hyesoon Lee, owner, to remove "H" symbol provision, for located at No. 60 Dalhousie Avenue dated 1994 September 13:

That approval be given to Zoning Application 94-24, Mrs. Hyesoon Lee, owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to permit a parking lot use, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-law No. 89-82, and Zoning District Map E-43 for presentation to City Council, for lands located at No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "C". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan.

(b) City of Burlington, City of Hamilton Response dated 1994 September 12

- (a) That Council of the City of Hamilton has no objections to the policies and designations in the City of Burlington Official Plan since it does not affect the planning intentions of the City of Hamilton; and,
- (b) That the City Clerk forward City Council's decision to Halton Region.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE - INFORMATION ITEMS

As recommended in the report dated 1994 September 14, the Committee received for information purposes, the following items which were previously forwarded to the members of the Committee under separate cover:

- (a) Regional Clerk's Office, Priorities for 95 and Youth Round Table on the Environment and Economy, dated 1994 August 17
- (b) Regional Clerk's Office, Annual Vision 2020 Sustainable Community Day, dated 1994 August 17
- (c) Regional Clerk's Office, 163 - Revisions to the Planning Act and other related Acts, dated 1994 August 17
- (d) City Treasurer, Summary of Revenues and Expenditures for the Six Months ended 1994 June 30 Compared with Budget, dated 1994 August 24
- (e) City Solicitor, Legal Non-Conforming Uses, dated 1994 September 7
- (f) Commissioner of Planning and Development, Approved Site Plan Control Applications, dated 1994 September 13.

10. PRIVATE AND CONFIDENTIAL AGENDA (CONT'D)

(BB) BUILDING COMMISSIONER

121 Alpine Avenue - Approval to carry out work to bring the property into compliance with Property Standards By-law No. 74-74

As recommended in a report dated 1994 September 8, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to call tenders and proceed to have the necessary work completed to bring 121 Alpine Avenue into compliance with City of Hamilton Property Standards By-Law #74-74 as amended.

Planning and Development Committee

1994 September 21

11. OTHER BUSINESS

None

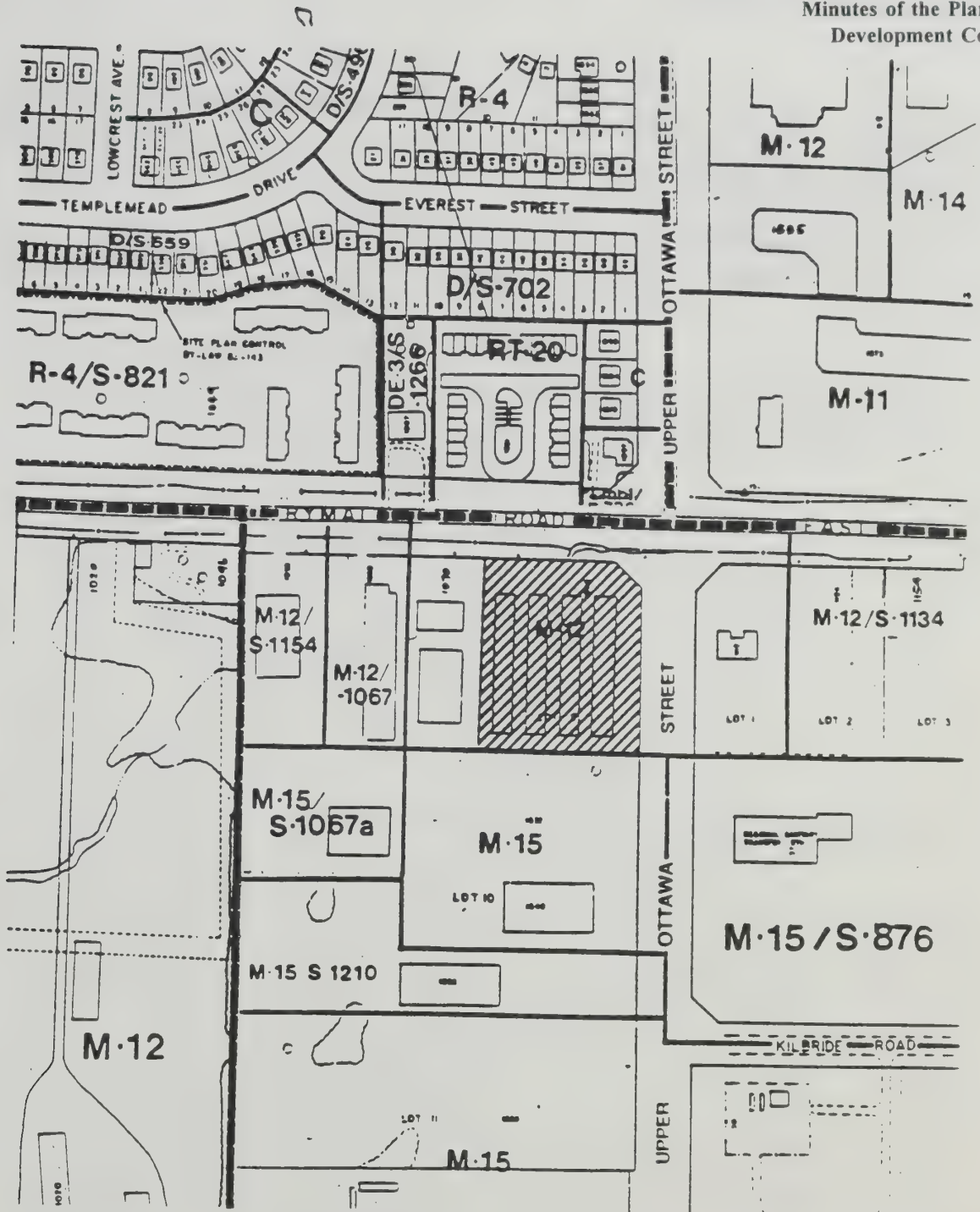
12. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary
1994 September 21



Legend



Site of the Application



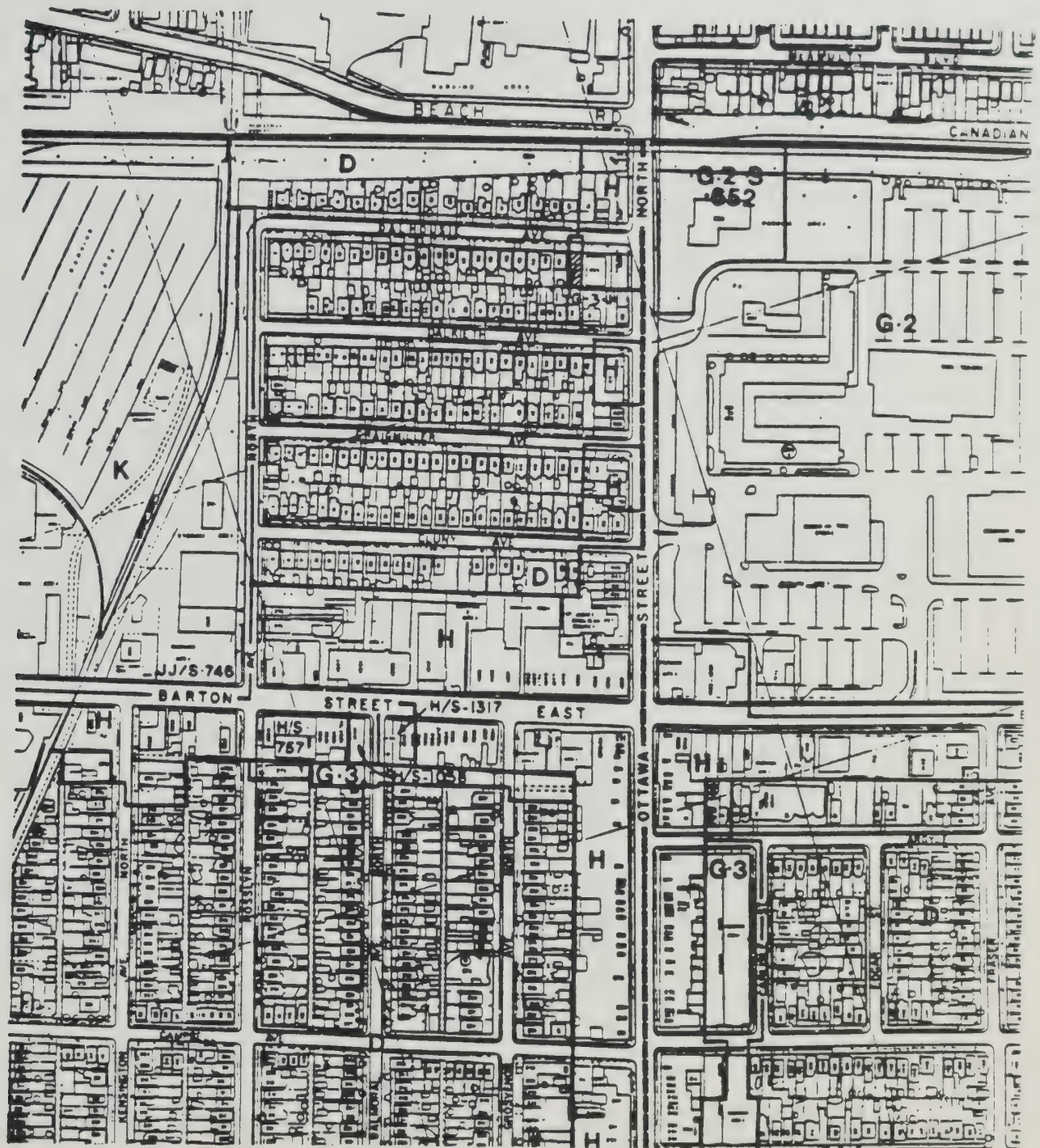
COMMERCIAL IMPROVEMENT PROGRAM REQUESTS

1994

BIA	Item	Cost
Westdale Village	8 litter containers	\$ 6,500.
		\$ 6,500.

TOTAL ESTIMATED COST OF C.I.P. REQUEST

\$6,500.



Legend



Site of the Application

2AR-94-24

OFFICE OF THE CITY CLERK

MEMORANDUM

B

TO: Charlene Touzel
Secretary
Planning and Development Committee

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Finance and Administration Committee

OUR FILE:
PHONE: 546-2753

SUBJECT: Referral from City Council -
Roomers and Boarders Task Force Report

DATE: 1994 September 28

Subjoined herewith for the attention of the Planning and Development Committee, is a copy of Section 16 of the Fourteenth Report for 1994 of the Finance and Administration Committee respecting the above noted matter, which was approved by City Council at its meeting held Tuesday, 1994 September 27th.

You will note that sub-section (c) of this recommendation reads:

- (c) That the Planning and Development Committee be requested to direct the Planning and Development Department to review the definition of a lodging house and associated definitions in Zoning By-law 6593 in light of the recommendations of the Roomers and Boarders Task Force; and,

For the further reference of the Planning and Development Committee, attached herewith is a copy of the staff report which was presented to the Finance and Administration Committee.

Susan K. Reeder
SKR

Attachment

cc Council file

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 16

REPORT TO: Susan K. Reeder
Secretary, Finance and Administration Committee

FROM: Mr. J. J. Schatz
City Clerk

SUBJECT: ROOMERS AND BOARDERS TASK FORCE REPORT

RECOMMENDATION:

- (1) That Licence By-law 93-069 be amended:
 - (a) To eliminate any duplication of regulations contained in by-laws of the Building, Fire and Health Departments,
 - (b) To provide for a requirement that each tenant in a lodging house have a lockable personal mailbox,
 - (c) To require the licence holder to post and keep posted a list of emergency telephone numbers for Fire, Health and Building Departments,
 - (d) To remove all reference to sex and age in accordance with Human Rights Legislation, and
 - (e) To require the owners or operators of a lodging house to obtain a Certificate of Compliance pursuant to the Property Standards By-law 74-74, from the Building Department for each lodging house, commencing in 1995, upon first renewal of those with an existing licence, when a new licence is issued, when a licence is transferred (provided the Certificate of Compliance on the premises is 3 years old) and every third anniversary thereafter.
- (2) That the attached By-law, as drafted by the Law Department, giving effect to the above noted recommendations be enacted with an effective date of 1995 January 1.
- (3) That the Planning and Development Committee be requested to direct the Planning and Development Department to review the definition of a lodging house and associated definitions in Zoning By-law 6593 in light of the recommendations of the Roomers and Boarders Task Force.

App'd by Committee 1994 / Sept 22

App'd by Council 1994 / Sept 27

Marcel Satten

- (4) That the City Clerk be authorized and directed to co-ordinate Training Sessions for lodging house owners and staff prior to the issuance of the licence renewal. Follow-up Training Sessions are to be conducted once yearly for owners and staff of new lodging houses.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Revenues from the fees collected for Certificates of Compliance issued by the Building Department for approximately 55 existing Lodging Houses will cover the cost of the necessary inspections. Approval of the above recommendations will result in increased inspections in the City Clerk's Department, which can be accommodated within the departmental budget.

BACKGROUND:

The joint report of the City of Hamilton and Regional Municipality of Hamilton-Wentworth Roomers and Boarders Task Force approved by Regional Council on 7 June 1994 was received by the Finance and Administration Committee on 23 June 1994 and was referred to staff for review and subsequent report on those recommendations under the City's jurisdiction. A copy of the Task Force's recommendations are attached for reference purposes.

With the exception of Recommendation 5 (Rewrite Health By-law 4798), all recommendations have been reviewed by Staff in the City Clerk's, Fire, Building, Law and Planning and Development Departments.

Before implementation of Recommendation #1 of the Task Force's Report which would redefine a lodging house to include a facility that provides sleeping accommodation for four or more lodgers who share cooking or bathroom facilities, it will be necessary for the Planning and Development Department to have completed their review of the Zoning By-law. By amending the definition, a number of unregulated facilities, which are operating in the manner of a Lodging House, will come under the scope of the By-law. It should be noted that this will not solve the issues related to student housing.

Recommendation 1(a) will eliminate unnecessary duplication with other applicable by-laws and Provincial Codes and will make the By-law clearer. It will still be necessary for Lodging Houses to comply with the other by-laws and codes as a condition for the issuance of a licence.

Recommendation 1(b) was an issue identified by the Task Force and should not have a significant impact on the owners of lodging houses. Most lodging houses already provide for lockable personal mail boxes.

Recommendation 1(c) will require that emergency telephone numbers for the Fire, Health and Building Departments be posted. With the approval of recommendations 1(b) and 1(c), letters

will be sent to each lodging house and follow-up inspections carried out in order to ensure that all proper information is posted for the tenants' use as recommended in the Task Force's Recommendation #15.

Recommendation 1(d) is required by the Human Rights Legislation.

Recommendation 1(e) pertains to a new requirement for all existing and new lodging houses to obtain a Certificate of Compliance under the Property Standards By-law. This will ensure that all lodging houses identified as being in substandard or deteriorated condition meet the requirements of the By-law.

The By-law will take effect on 1995 January 1 and will give staff sufficient time to notify lodging house owners of the new requirements.

With regard to the Task Force's Report which deals with issuance of licence renewals being spread evenly throughout the year (Recommendation 6), this recommendation cannot be implemented at this time because the current computer system cannot handle staggered licence renewals. The licensing computer program will be reviewed in order that the necessary improvements can be made, including a staggered renewal system.

The Task Force's Recommendations #7 and #8 deal with the manner in which the City licenses and inspects Lodging Houses. Staff, in future, will be carrying out at least one yearly inspection, which is similar to that which is presently being conducted in Second Level Lodging Houses. This will ensure that compliance with all applicable by-laws is maintained. Yearly Inspection Reports will be sent to the Clerk's Department for review prior to issuance of the licence renewal.

As the necessary inspections can be accommodated within the various departmental budgets and current staff complements, it will be unnecessary to raise the annual licence fees currently at \$150.00 (Recommendation #10). With respect to the Certificates of Compliance, a fee is collected by the Building Department to cover these inspections.

Recommendation #4 (Task Force's Report #12 and #13) will be undertaken so that Lodging House Operators will be required to attend a Training Session prior to issuance of the licence renewal. Following the initial session, training will be conducted once yearly for the owners and staff of any additional lodging houses and will involve the Fire, Building, Health, Social Services and Clerk's Departments.

c.c. L. King, Building Commissioner
G. Baker, Fire Chief
F. Scott, Medical Officer of Health
P. Noe Johnson, City Solicitor
V. Abraham, Director of Local Planning

1.0 Recommendations

Comprehensive Definition

1. *That the definition of Lodging House in the Licencing ByLaw 93-069, Schedule 28, and the Zoning By-law 6593, be changed to conform with the Ontario Fire Code definition of Lodging, Boarding and Rooming Houses. The definition of a Lodging, Boarding and Rooming Houses is given on page 3 of the report.*
2. *That owners of unregulated houses be required to apply for a licence, once the definition of a lodging house is changed, if they qualify as lodging houses.*
3. *That Licencing By-Law 93-069, Schedule 28 be reviewed and eliminate duplication with other local by-laws.*
4. *That Licencing By-Law 93-069, Schedule 28, section 2(j) be revised to remove references to sex and age.*
5. *That the Health By-Law 4798 be repealed and the re-written Health By-Law be implemented.*

Annual Inspections

6. *That the Licensing of Lodging houses, by the Licensing Division, be maintained. Renewals should be spread evenly throughout the year, with inspections occurring at the time of renewal.*
7. *That the Fire, Health and Building Departments send reports, as requested by the Licencing Division prior to the issuance of a licence and upon renewal. The inspections leading to the reports should be conducted evenly throughout the year.*
8. *That resources be allocated or increased to permit annual inspections by the Licensing and Health Departments. These inspections should be conducted evenly throughout the year.*
9. *That Licencing By-Law 93-069, Schedule 8, be revised to require the owners or operators of a lodging house to obtain a Certificate of Compliance, pursuant to the Property Standards By-law 74-74, from the Building Department for each lodging house, commencing in 1995, upon first renewal of those with an existing licence, when a new licence is issued, when a licence is transferred and every third anniversary thereafter.*

10. *That the licence fee be increased to \$250 to offset some of the cost of annual inspections.*
11. *That a list of emergency numbers (fire, health, building inspections) be posted by the owner or operator of the lodging/rooming house with the licence.*
12. *That all operators must attend a training session before a Licence is issued (first renewal, new applications and transfer of licences). The penalty for not attending would result in a delay in licence renewal and may result in a show cause hearing before the Licensing Committee. As part of this training session, an information package be provided to Landlords by the Licensing Division. There will be financial implications in conducting the training.*
13. *That the Licencing Division co-ordinate the first session with the Health Department, Social Services Department, Building Department and the Fire Department. Subsequent sessions are to be carried out by the latter four. Community agencies should be invited to participate in planning this session.*
14. *That the Licencing By-Law 93-069 be revised to require the landlord to provide each Lodging House Tenant be provided with a lockable personal mailbox.*
15. *That the revised Licencing By-Law 93-069 ensure all proper information is posted for the Tenants' use by sending a letter from the Licensing Division to all Licensed Lodging homes and doing followup inspections.*

C

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 22 SEP 22 1994
S719-71, M.J. Inrig

REPORT TO: T. Agnello, Secretary
Planning and Development Committee


FROM: Mr. E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: "Sheldon Estates", Hamilton
(Cash in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of \$ 18,000.00 as cash payment in lieu of the 5% land dedication in connection with "Sheldon Estates", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

The lands of "Sheldon Estates" are located east of Garth Street on south side of Stone Church Road West in the Sheldon Planning Neighbourhood.



E.M. Gill, P.Eng

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Owner of "Sheldon Estates" (Britannia Decorating and Painting Limited) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan has been attached for your information. In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is \$ 18,000.00.

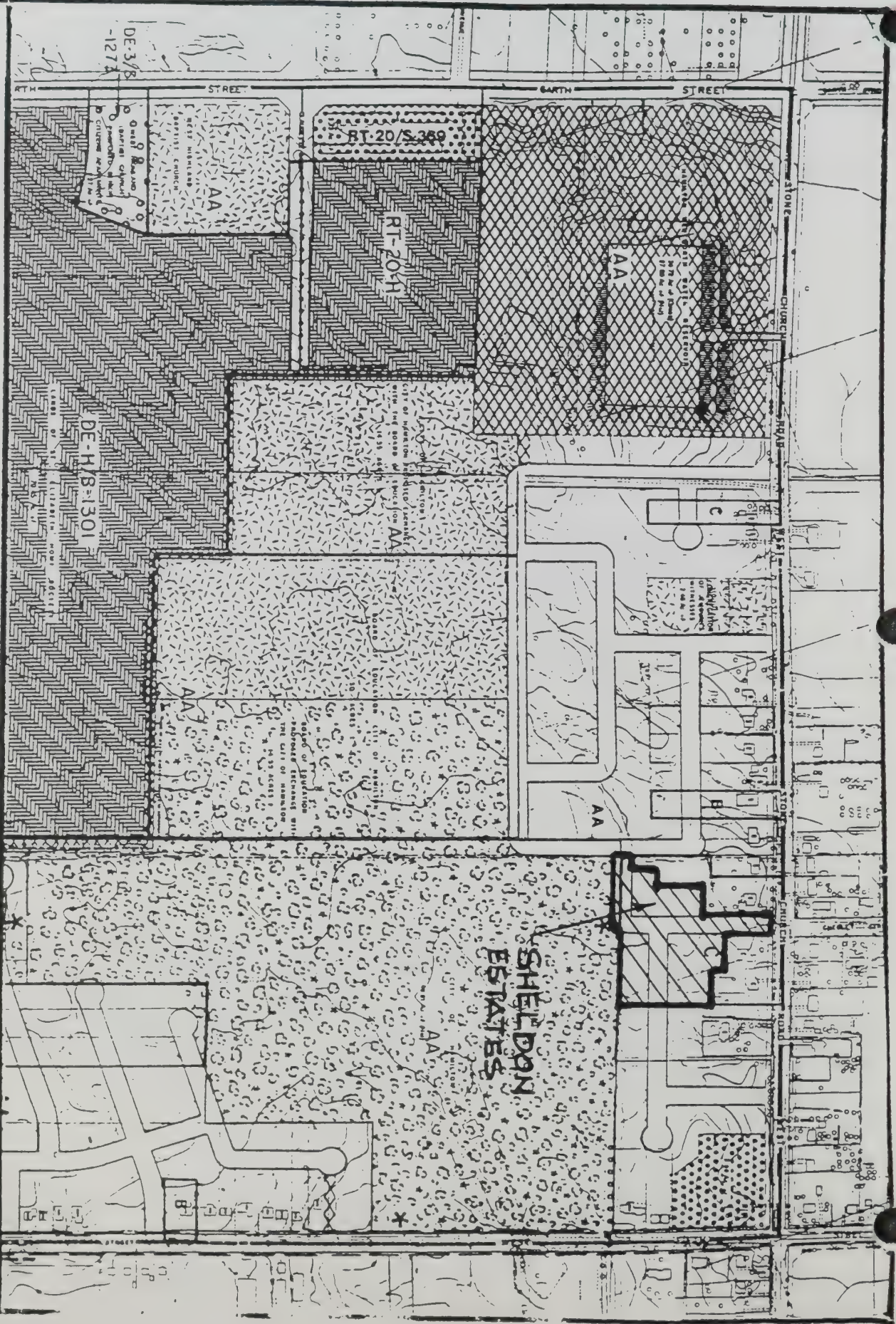
MJI:
Attach.
cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department

SHELDON

KEY PLAN

N.T.S.

APPROVED PLAN



D

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 21

SEP 27 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
761 WEST 5th STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 761 West 5th Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-9B)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Expressway

BRIEF DESCRIPTION: One storey wood frame/brick veneer single family dwelling

Owner wishes to demolish existing house as land is required for proposed expressway. No LACAC interest. Lot size 119.59' x 113.13'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH SH/zr

E

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 28
4328

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

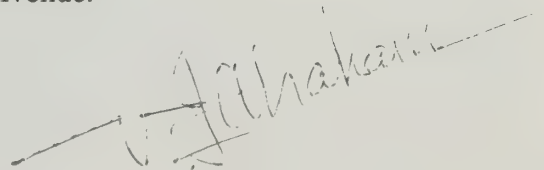
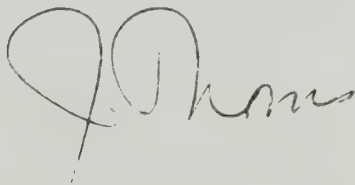
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Authorization for Staff Attendance at Ontario Municipal
Board Hearings

RECOMMENDATION:

1. That the appropriate staff (e.g. Law, Planning) be authorized to attend the following Ontario Municipal Board hearings regarding appeals from Committee of Adjustment decisions:

- Application No. A-94:24 - 366 and 368 King Street West;
- Application No. A-94:81 - 132 Albany Avenue;
- Application No. A-94:86 - 170 and 172 Simcoe Street East; and,
- Application No. A-94:155 - 86 Ward Avenue.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The following Committee of Adjustment applications have been recently appealed to the Ontario Municipal Board:

- Application No. A-94:24 for 366 - 368 King Street West, to permit a 6 storey lodging house (student residence) with 52 lodgers (50 lodgers permitted), none of the required 3.0 m (9.84 feet) side yards, and 5 parking spaces (26 spaces required);
- Application No. A-94:81 for 132 Albany Avenue, to permit the front yard of the dwelling to be totally paved, whereas the by-law requires at least 50% of the front yard to be landscaped and not more than 50% of the front yard can be paved;
- Application No. A-94:86 for 170 and 172 Simcoe Street, to permit a proposed new semi-detached two family dwelling with a lot width of 12.29 m (40.32 feet) instead of the required 18.0 m (59.06 feet); and,
- Application No. A-94:155 for 86 Ward Avenue, to permit a building to continue to be used as a three family dwelling (the "C" District does not permit a three family dwelling), and provision of only 1 parking space (4 spaces are required).

In each case, planning staff recommended denial and the Committee of Adjustment subsequently denied the application.

CONCLUSION:

Consistent with current practice in these matters, it is appropriate to seek the Committee's authorization for the appropriate staff to attend the above-noted hearings. No dates for hearing have been set.

F

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 28

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Information Report dated 1994 September 14 from Secretary, Planning and Development Committee re: Committee of Adjustment Guidelines
- (b) Information Report dated 1994 September 26 from Commissioner of Planning and Development re: Approved Site Plan Control Application

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure following for these matters is recorded.

Charlene Touzel

CA4 ON HBL A05
C51P4
1994



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL

Planning and Development Committee

OCT 17 1994

Wednesday, 1994 October 19

9:30 o'clock a.m.

Room 233, City Hall

GOVERNMENT DOCUMENTS


Charlene Touzel, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. Zoning Application 94-02, Timothy Canadian Reformed Society of Hamilton, owner and prospective owner, for a change in zoning Block "1" from "AA" District to "C" District; Blocks "2" and "3" from "AA" District to "DE" District modified; and, Block "4" from "DE" District, modified, to "C" District; for lands located at 337 and 363 Stone Church Road East
2. Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" District to "HH" District, modified, for lands located at 1367 Upper James Street

PRESENTATIONS

3. Barrier Free Design Standards for the City of Hamilton - Alderman Geraldine Copps and Hoda Kayal, Chairperson, Barrier Free Design Sub-Committee
4. Durand-Markland Heritage Conservation District - Designation - David Cuming, Consultant (Copy of Durand-Markland Heritage Conservation District Plan as prepared by Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited dated 1994 October distributed to Members of the Planning and Development Committee with agenda)

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

5. Request for Waiver from an Environmental Impact Statement - Kimberly Drive
6. Site Plan Control Application DA-93-41 for a parking lot at 150 Catharine Street North

7. **BUILDING COMMISSIONER**

Proactive Enforcement of the Property Standards By-Law on Fire Damaged Buildings

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

8. Victoria Hall - 180-Day Delay of Demolition
9. Heritage Permit - 113 Charles Street
10. **CONSENT AGENDA**
11. **OTHER BUSINESS**
12. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools	1993 October 6	Building Commissioner & Director of Local Planning	Report Pending
5.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
6.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
7.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
8.	Amendment to Property Standards By-law for Lighting Requirements in Private Parking Lots	1994 June 22	Building	Report Pending
9.	Monster Homes	1994 June 22	Building	Report Pending
10.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
11.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
12.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads Departments	Tabled Pending Report
13.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified

14.	Official Plan Review	1994 October 5	Planning	Staff to prepare Terms of Reference including issues to be studied, timing and costs
15.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
16.	Deletion of Public Parking Lots as Permitted Uses in Downtown Area and "CR" Districts	1994 October 5	Planning	Ad-hoc Committee established - Planning Department to work with various interest groups to study proposal

1994 October 12

1

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 11

REPORT TO: Charlene Touzel
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: 1. Proposed Rezoning Application
(ZA-94-02)
2. Proposed Draft Plan of Subdivision "Timothy Subdivision"
(Regional File 25T-94001)

RECOMMENDATION:

1. Zoning Application

That approval be given to Zoning Application 94-02, Timothy Canadian Reformed Society of Hamilton, owner and prospective owner, requesting changes in zoning: from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "3"); and, from "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit the development of the subject lands for single-family detached dwellings (Blocks "1" and "4"), and to consolidate lands and provide access onto the proposed Crerar Drive for the lands to the south (Blocks "2" and "3"), shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential) District;
- ii) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified;

- iii) That Block "4" be rezoned from "DE" (Low Density Multiple Dwellings) District, modified, to "C" (Urban Protected Residential, etc.) District;
- iv) That Schedule "A" of By-law No. 82-53, as amended by By-law No. 83-54, be further amended to include a revised Schedule "A" incorporating Blocks "2" and "3", and deleting Block "4";
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-787a on Blocks "2" and "3", and that the subject lands on Zoning District Map E-18C be notated S-787a;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
- vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- viii) That the Crerar Neighbourhood Plan be amended to: redesignate part of Block "1" north of the proposed Crerar Drive from "Civic & Institutional" to "Single & Double Residential"; redesignate Block "3" from "Single & Double Residential" to "Low Density Apartments"; and, redesignate Block "4" from "Low Density Apartments" to "Single & Double Residential" (see APPENDIX "B" attached).

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning for lands located north of Stone Church Road East and west of Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- Blocks "2"- from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings)
and "3" District, modified; and,
- Block "4" - from "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit the development of part of Block "1" and Block "4" for single-family detached dwellings, and to consolidate Blocks "2" and "3" with the Home for the

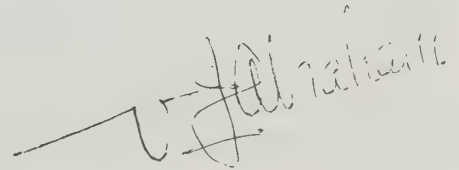
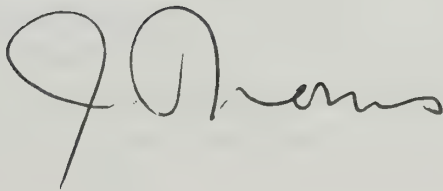
Aged to the south to provide access onto the proposed Crerar Drive. The existing schools in the balance of Block "1" are to remain.

2. Subdivision Application

- (A) That approval be given to application 25T-94001, Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society For A Home for the Aged Inc., owners, to establish a draft plan of subdivision in the area north of Stone Church Road East and Upper Wentworth Street, subject to the following conditions:
- (1) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated January 24, 1994, and red line revised showing 27 lots for single family dwellings, and various blocks for road and future development purposes.
 - (2) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (3) That the streets be dedicated to the City of Hamilton as public highways in the final plan.
 - (4) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (5) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (6) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 - (7) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (8) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future expansion of the road allowances or development of abutting lands.

- (9) That the plan not be registered until sewer and water services are available.
- (10) That the owner be required to dedicate sufficient lands adjacent to Lot 27 to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance to provide for the designated road allowance width of 30.48m.
- (11) That the status of the 9.14m easement in favour of the Region over Lot 27 and lands to the north be determined prior to the approval of these lots and blocks.
- (12) That Crerar Drive must align centreline to centreline with matching street radii with Crerar Drive on the draft approved Falconstone draft plan of subdivision to the east. The street location and radii of Crerar Drive in the Falconstone plan of subdivision must align with Crerar Drive as established by Plan of Subdivision 62M-728.
- (13) That the horizontal curve on Crerar Drive between Lots 1 to 15, inclusive be revised to the satisfaction of the Regional Roads Department.
- (14) That prior to any development of lands within this draft plan of subdivision, Crerar Drive from the easterly limits of the subdivision to the westerly limits of the subdivision be established as a public highway and constructed to it's full width and that all costs associated with the construction of the road and municipal servicing for both sides of Crerar Drive be paid up front by the applicant/owner.
- (15) That a second public street access connection must be established and constructed to it's full width from the extension of Crerar Drive to either Stone Church Road or Upper Wentworth Street.
- (16) That the north-south street adjacent to Lot 1 and Block 43 must be established at 20m and the west street line must be parallel to the east limit of the street as approved in the Falconstone plan of subdivision.
- (17) That all existing structures within the proposed Crerar Drive road allowance be removed and relocated to private property.
- (18) That Blocks 28 to 43 inclusive and Block 48 must be developed in conjunction with the adjoining lands.

- (19) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.
 - (20) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (21) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (B) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-91014), Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society For A Home for the Aged Inc., owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Timothy Canadian Reformed School Society of Hamilton, owner and prospective owner.

Agent and Surveyor:

A. J. Clarke and Associates Ltd.

Location:

The lands are located on the north side of Stone Church Road between Upper Wellington Street and Upper Wentworth Street in the Crerar Neighbourhood (Attachment 1).

Lot Size and Area:

The subject property has:

- a frontage of approximately 15.24 m (50.0 feet) on Stone Church Road East;
- a depth of approximately 322 m (1056 feet); and,
- a lot area of approximately 53,994.6 m² (581,192 feet² or 13.3 acres).

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Timothy Reformed School, Guido de Bress Secondary School and vacant land	"AA" (Agricultural) District and "DE" (Low Density Multiple Dwellings) District, modified
<u>Surrounding Lands</u>		
to the north and west	Vacant land	"AA" (Agricultural) District
to the east	Vacant land and Single-Family Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Single-Family Detached Dwellings, Home for the Aged and Church	"C" (Urban Protected Residential, etc.) District, "DE" (Low Density Multiple Dwellings) District, modified and "AA" (Agricultural) District

Applications to the Land Division Committee (H-4 and 5-94):

Two applications were submitted to the Land Division Committee to facilitate lands exchanges between the applicant and the Home for Aged to the south, and to facilitate access for the Home onto the proposed Crerar Drive. The applicant subsequently requested that the applications be deferred pending approval of the rezoning application and the draft plan of subdivision.

By-laws No. 82-53 and 83-54:

City Council, on March 9, 1982, passed By-law No. 82-53 which rezoned the lands to the south (Canadian Reformed Society Home for the Aged) from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "DE" (Low Density Multiple Dwellings) District, modified to permit the development for a "home for elderly persons" and a nursing home. By-law No. 83-54, passed by Council February 8, 1983, substituted a revised Schedule 'A' for these lands.

REZONING PROPOSAL

The applicant is requesting a rezoning of the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "3"), and from "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit the development of the subject lands for single-family detached dwellings and to consolidate lands and provide access onto the proposed Crerar Drive for the Canadian Reformed Society Home for the Aged. The existing schools will remain.

Hamilton-Wentworth Official Plan:

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

Hamilton Official Plan:

The subject lands are designated **Major Institutional** (Block "1") and **Residential** (Blocks "2", "3" and "4") on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included

within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- B.3.1.4 Where feasible, the planning and implementation of the ROAD NETWORK for each functional classification as described above will generally be based on certain standard right-of-way widths, current design practices, and in accordance with the Regional Official Plan. Notwithstanding the above, where existing roads in developed areas are designed at a lesser standard, consideration may be given for their improvement. The general road right-of-way widths will be based on the following standards and kept free of development:
- iv) LOCAL ROAD right-of-way widths will be up to 20 metres.
- B.3.1.5 No development and/or redevelopment will be permitted which does not front on a public ROAD of an acceptable standard of construction. Further, Council will require, as a condition of approval, that sufficient lands are conveyed to provide for a Road right-of-way in accordance with the designated widths as set out in Policy B.3.1.4 above. Accordingly, Council may protect the specified right-of-way widths through the adoption of appropriate by-laws."

The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The approved Crerar Neighbourhood Plan designates the subject lands for: "Civic & Institutional" (part of Block "1" north of the proposed Crerar Drive); "Single & Double Residential" (part of Block "1" south of the proposed Crerar Drive and Block "3"); and, "Low Density Apartments" (Blocks "2" and "4"). The proposal does not comply with the approved Neighbourhood Plan. If the application is approved, the following changes will be required: from "Civic & Institutional" to "Single & Double Residential" (portion of Block "1" north of the proposed Crerar Drive); "Single & Double Residential" to "Low Density Apartments" (Block "3"); and, "Low Density Apartments" to "Single & Double Residential" (Block "4") (see APPENDIX "B" attached).

Comments Received on Rezoning Proposal:

- The Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.
- The Building Department advises:
 - "1. *The special requirements of By-Law 82-53 as amended by By-Law 83-54 shall be applicable to the new lands to be zoned "DE".*
 2. *A revised schedule of the "DE" zoning district lands is recommended.*
 3. *The "DE" zoning district lands known as 337 Stone Church Road East will be considered a "through lot".*
 4. *The lands to be maintained for the "Home for Elderly Persons" must conform to the provisions of the "DE" zoning district with respect to setbacks, lot area, landscaped area and parking requirements and any changes to the site may require Site Plan Control approval or exemption."*
- The Roads Department advises:

"With respect to the draft plan of subdivision, servicing of water for lots 1 to 26 would have to await development of the lands to either the east or west of the proposed subdivision. Lot 27 could be serviced for water from the existing watermain on Stone Church Road East. Blocks 28 to 43 will have to await development of abutting lands, for water servicing.

With respect to storm and sanitary sewers, development of lots 1 to 26 and Blocks 44 and 45 requires the extension of storm and sanitary sewers southerly and westerly from the Crerar/Aquila intersection. Development of Blocks 28 to 32 requires the future extension of sewers through development to the west. Development of Blocks 34 to 43 requires the extension of sewers from Stone Church Road East then northerly and westerly in a future court. Block 33 appears to be "landlocked". Lot 27 can be serviced to the sewers on Stone Church Road East.

The designated road allowance width of Stone Church Road is 30.48m. As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.

The lands to be rezoned and the draft plan of subdivision does not have any street access or connections from the proposed Crerar Drive to either Stone Church Road or Upper Wentworth Street.

As a condition of development approval, Crerar Drive must be established as a public highway and a public highway connection, constructed and established to its full width, must be provided to either Upper Wentworth Street or Stone Church Road. We are concerned that the establishment of and connection of Crerar Drive to the east will result in a "temporary" lengthy cul-de-sac from Pescara Avenue southerly. We have discussed this matter with the City of Hamilton Traffic Department and recommend that this development not proceed until two points of access to this development have been provided.

According to our records, the applicant has also submitted Land Severance Applications H-4-94 and H-5-94 to exchange lands between the property owners. We understand that these application have been deferred by the Land Division Committee.

It is unclear from the application what the applicant intends to do regarding their lands adjacent to Aquila Place. The cul-de-sac was not intended to provide access to the school property. According to our records, the City of Hamilton has previously acquired Parts 5 and 6 of Reference Plan 62R-8493 by Instrument No. 457533 C.D. and these parts have been incorporated into the public highway. Therefore, the school does not have public highway frontage on Aquila Place.

We recommend that the owners of lands to the west be contacted to ensure that they are aware of the related subdivision plan since the establishment of Crerar Drive in this draft plan will directly affect the development of lands to the west. Apparently the Region/City

has a modified subdivision agreement with Mr. Filice which may address some of these concerns already. You may wish to confirm this with Mark Inrig in our Department.

In conjunction with this application, the applicant had submitted Timothy Survey Draft Plan of Subdivision. We recommend that these lands be developed through a satisfactory plan of subdivision."

The Roads Department has subsequently advised:

"Further to our previous memorandum dated May 19, 1994, please be advised that we have met with representatives of the owner and Mr. Adi Irani of A. J. Clarke and Associates on August 19, 1994 and provide the following additional comments:

- 1. It was agreed that the applicant would review the depths of Lots 1 to 15 inclusive to determine whether the horizontal curve on Crerar Drive could be replaced with a straight tangent section of roadway. Should this realignment not be possible due to the established lot depths on the Falconstone draft plan of subdivision, the applicant should advise us in writing that attempts to realign Crerar Drive and negotiate this lot reduction with the owner of lands to the south have been unsuccessful. Upon receipt of this letter, we will make redline revisions to the Timothy Survey draft plan of subdivision to provide the best available alignment for this section of Crerar Drive.*
- 2. It is unclear whether or not this subdivision will be built in phases. Therefore as a condition of draft plan approval we recommend that the first phase of construction of any part of this draft plan include the requirement that Crerar Drive from the easterly limits of the Subdivision to the westerly limits of the subdivision be established as a public highway and constructed to it's full width and that all costs associated with the construction of the road and municipal servicing for both sides of Crerar Drive be paid up front by the applicant/owner. This requirement will be included in the schedules of the subdivision agreement between the applicant/owner and the City of Hamilton and the subdivision agreement between the applicant/owner and the Region of Hamilton-Wentworth.*
- 3. All existing structures etc. within the proposed Crerar Drive road allowance must be removed and relocated to private property.*
- 4. All other requirements in our previous letter dated May 19, 1994 on Zoning Application 94-02 and letter dated May 19, on Timothy Survey draft plan of subdivision are still applicable."*

SUBDIVISION PROPOSAL

The owner proposes to subdivide the lands into 27 lots for single family dwellings and various blocks for roadway and future development purposes (Attachment "2").

Comments Received on Subdivision Proposal:

- The following agencies have advised that they have no objection to the proposal.
 - Union Gas
 - Hamilton Hydro
 - Bell Canada
 - City Building Department
- The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"Recommendations:

1. *The Plan not be registered until sewer and water services are available.*
2. *The designated road allowance width of Stoney Church Road is 30.48m. As a condition of approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance. This widening is required adjacent to Lot 27 on the plan submitted.*
3. *The status of the 9.14m easement in favour of the Region over Lot 27 and lands to the north should be determined prior to the approval of these lots and blocks.*
4. *Crerar Drive on this plan must align centreline to centreline with matching street radii with Crerar Drive on the draft approved Falconstone draft plan of subdivision to the east. The street location and radii of Crerar Drive in the Falconstone plan of subdivision must align with crerar Drive as established by Plan of Subdivision 62M-728.*
5. *There is a horizontal curve on Crerar Drive between Lots 1 and 15 with an inside radius of 200m. We recommend that this curve be removed and that a straight line tangent be established on Crerar Drive between the horizontal curves on lands to the east and west of this draft plan.*

6. *The draft plan does not provide any street access or connections from the proposed Crerar Drive to either Stone Church Road or Upper Wentworth Street. As a condition of approval, Crerar Drive must be established as a public highway and a public highway connection, constructed and established to its full width, must be provided to either Upper Wentworth Street or Stone Church Road. We are concerned that the establishment of and connection of Crerar Drive to the east will result in a "temporary" lengthy cul-de-sac from Pescara Avenue, southerly.*

We have discussed this matter with the city of Hamilton Traffic Department and recommend that this development not proceed until two points of access, to our satisfaction, be established to provide access to this development.

7. *According to our records, the applicant has also submitted Land Severance Applications H-4-94 and H-5-94 to exchange lands between the property owners. We understand that these applications have been deferred by the Committee and the draft plan should be revised to outline existing property boundaries. The .30m reserve shown as Block 48 is not required since the School still owns the land between Lots 15 and 16 and all costs on Crerar Drive should be recovered as a condition of subdivision approval.*
8. *The proposed street extending north from Stone Church Road in the approved Falconstone draft plan of subdivision has a horizontal curve on it just south of Crerar Drive. The north-south street adjacent to Lot 1 and Block 43 on this draft plan must be established at 20m and the west street line must be parallel to the east limit of the street as approved in the Falconstone plan of subdivision.*
9. *The owner must satisfy all requirements, financial and otherwise of the Region prior to the development of any portion of these lands.*

FOR INFORMATION:

1. *Development of Lots 1 to 26 inclusive and Blocks 44 and 45 require the extension of storm and sanitary sewers southerly and westerly from Crerar/Aquila intersection.*
2. *Development of Blocks 28 to 32 inclusive require the future extension of sewers through the development to the west.*

3. *Development of Blocks 34 to 43 inclusive require the extension of sewers from Stone Church Road, then northerly and westerly into the proposed court.*
4. *Servicing of Lots 1 to 26 inclusive and Blocks 44 and 45 for water will have to await development of the lands either east or west of the proposed subdivision.*
5. *Blocks 28 to 43 inclusive will have to await development of abutting lands for water servicing.*
6. *Lot 27 can be serviced from the existing watermains and sewers on Stone Church Road.*
7. *There will be a Regional share of services of approximately \$68,000.00 (1993 \$) including 3% G.S.T. for oversized watermains within this development.*
8. *It is unclear from the draft plan what the applicant intends to do regarding their frontage on Aquila Place. This cul-de-sac was not intended to provide access to the school property. According to our records, the City of Hamilton has previously acquired Parts 5 and 6 of Reference Plan 62R-8492 by Instrument No. 457533 C.D. and these parts have not been incorporated into the public highway. The school does not have public highway frontage on Aquila Place.*

- The City of Hamilton Traffic Department has submitted the following comments:

" It appears that there is no physical connections to existing roadways. We, therefore, suggest that the plan not be developed until such time as there are two connections to public roadways to avoid one long dead-ended section of roadway."

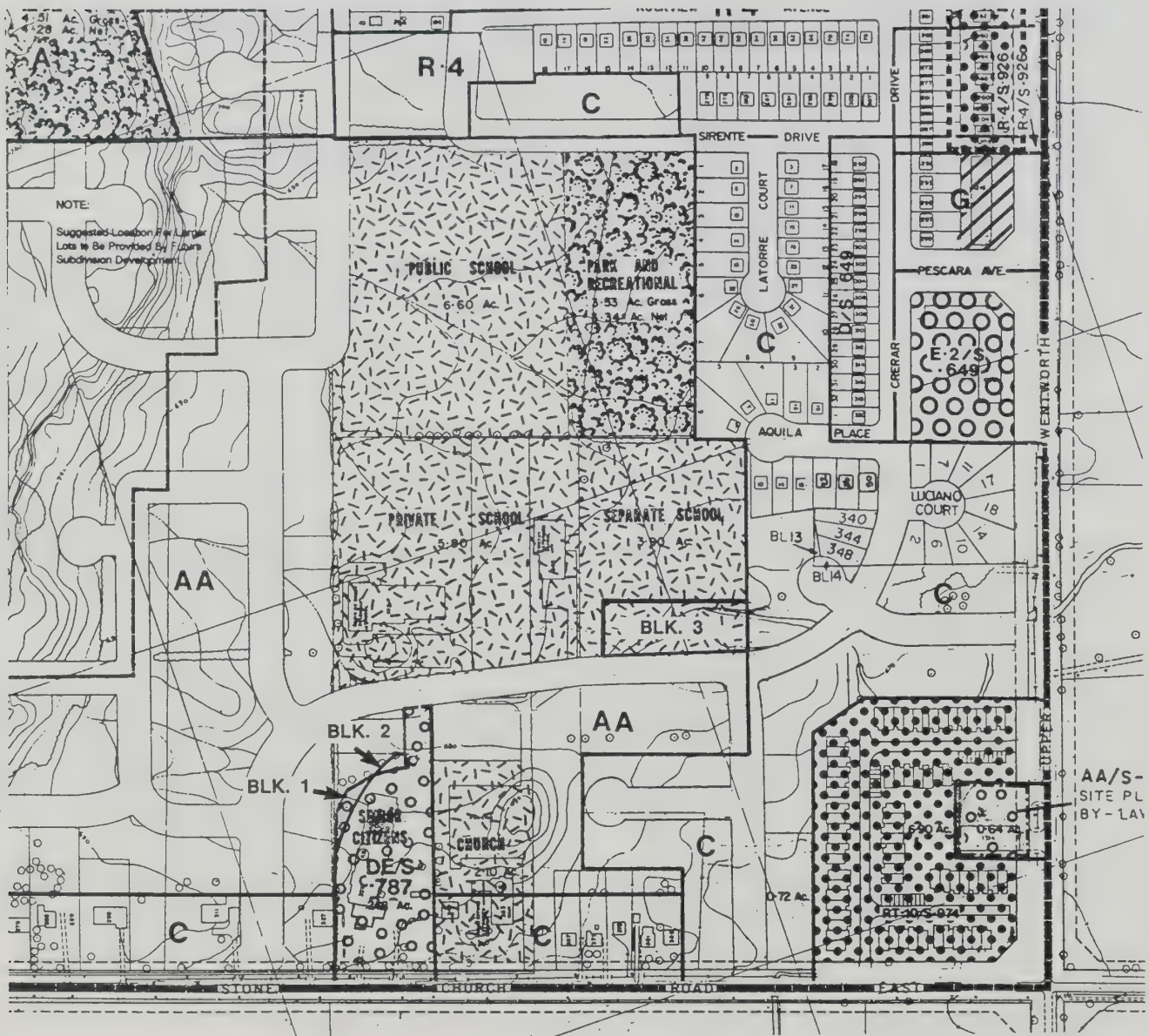
COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the approved Crerar Neighbourhood Plan. If the application is approved, the following changes are required: from "Civic & Institutional" to "Single & Double Residential" (portion of Block "1" north of the proposed Crerar Drive); "Single & Double Residential" to "Low Density Apartments" (Block "3"); and, "Low Density Apartments" to "Single & Double Residential" (Block "4")(see APPENDIX "B" attached).

3. The application has merit and can be supported on the following basis:
 - it complies with the intent of the Official Plan;
 - it is compatible with existing and proposed development in the area.
4. The applicant has requested that the subdivision application be revised to include the 15 metre wide parcel of land situated between Lots 15 and 16 (Block 48). This parcel of land will be conveyed to the adjoining lands to the south for access onto Crerar Drive. As a result of this revision, the 0.3 metre reserve (originally Block 48) will no longer be required.
5. With regard to the alignment of Crerar Drive between Lots 1 to 15 inclusive, the Roads Department has verbally advised that the present alignment for this section of Crerar Drive is acceptable for the purposes of draft approval. However, as a condition of draft approval, it is suggested that the final alignment be subject to the approval of the Roads Department.
6. With the extension of Crerar Drive, the Traffic and Roads Departments have expressed a concern with the lengthy cul-de-sac being created. As a condition of draft approval, it is suggested that this development not proceed unless a second access to either Upper Wentworth Street or Stone Church Road can be provided.
7. The Neighbourhood Plan designates an area for "Park and Recreational" purposes nearby. Therefore, it is recommended that a cash payment in lieu of the conveyance of 5% of the land for parkland dedication be made by the owner.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.



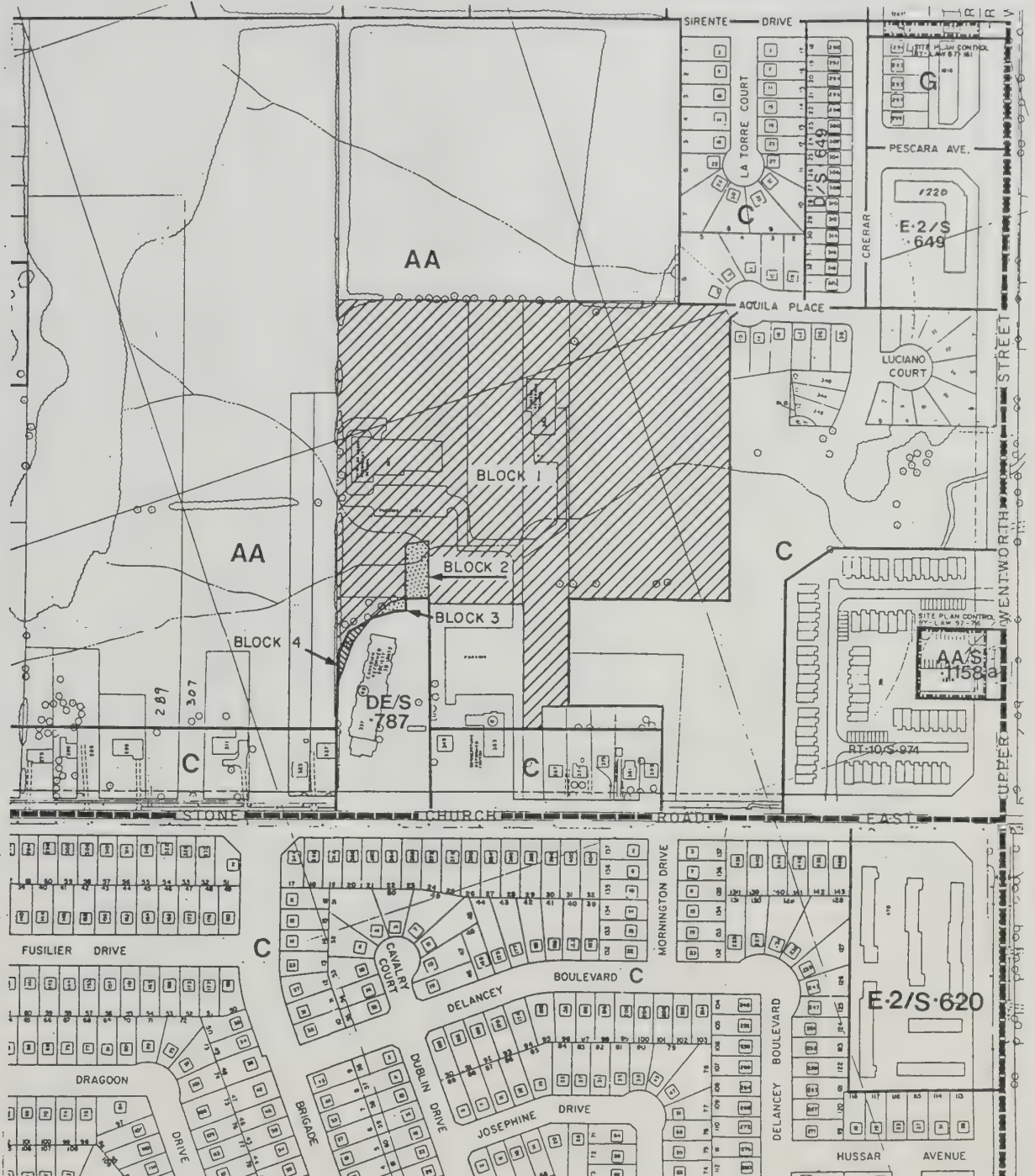
Legend

Proposed changes:

- | | | |
|---------|--|---|
| BLOCK 1 | | "Low Density" to "Single & Double" |
| BLOCK 2 | | "Single & Double" to "Low Density Apartments" |
| BLOCK 3 | | "Civic & Institutional" to "Single & Double" |




ZAC-94-02


APPENDIX "B"

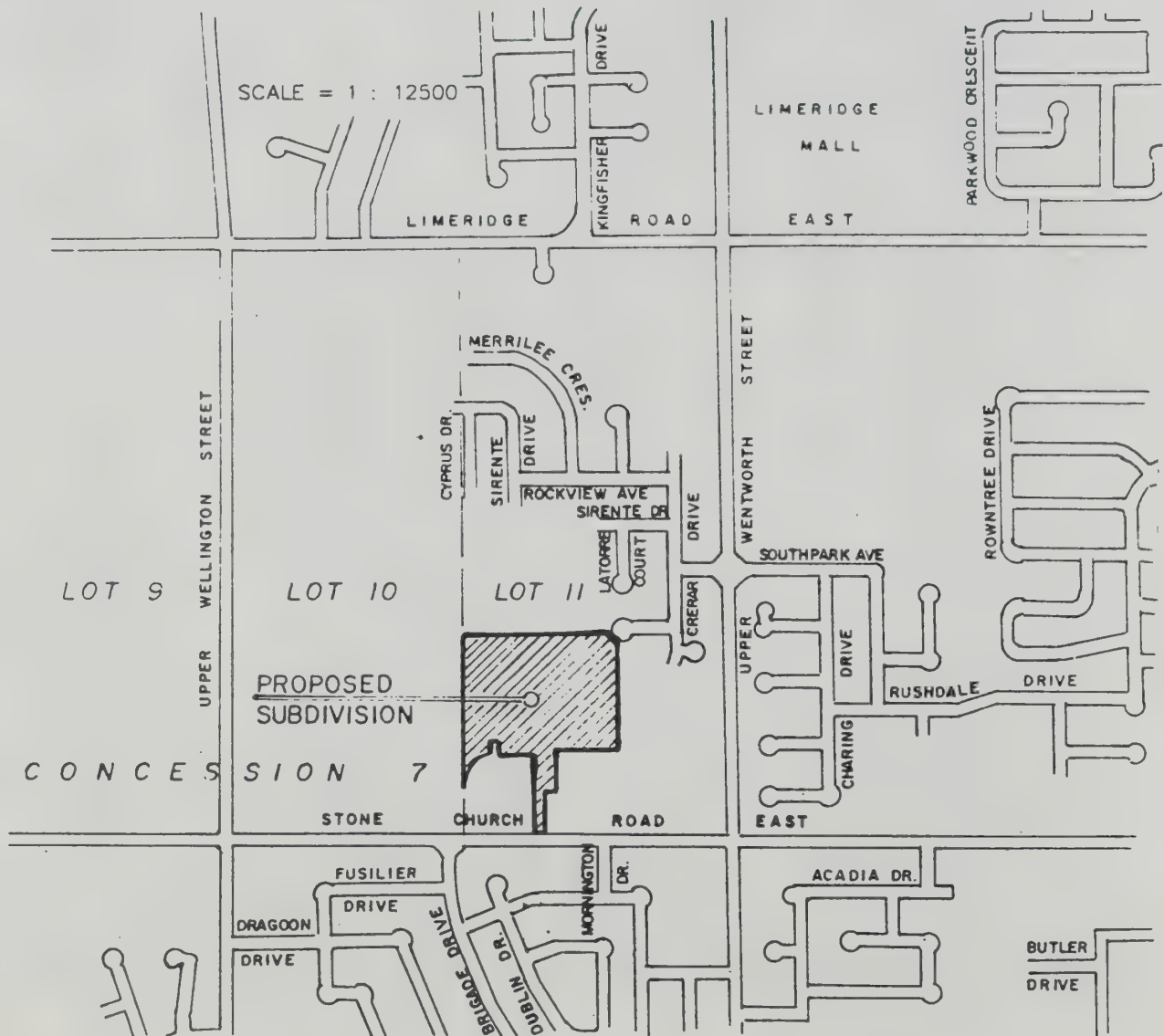


Legend

Proposed changes in zoning from:

- | | | |
|----------------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District |
| BLOCKS 2 AND 3 |  | "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified. |
| BLOCK 4 |  | "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District. |


ZAC-94-02



DRAFT PLAN OF :

Timothy Survey

BEING A PROPOSED SUBDIVISION OF
 PART OF LOT 11—CONCESSION 7
 GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
 CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

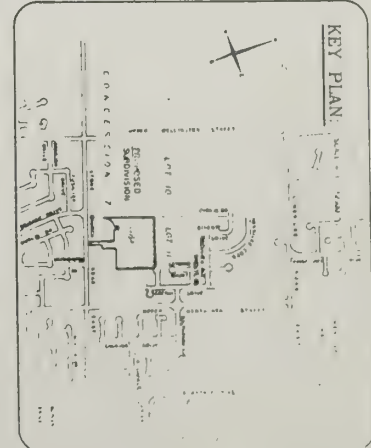
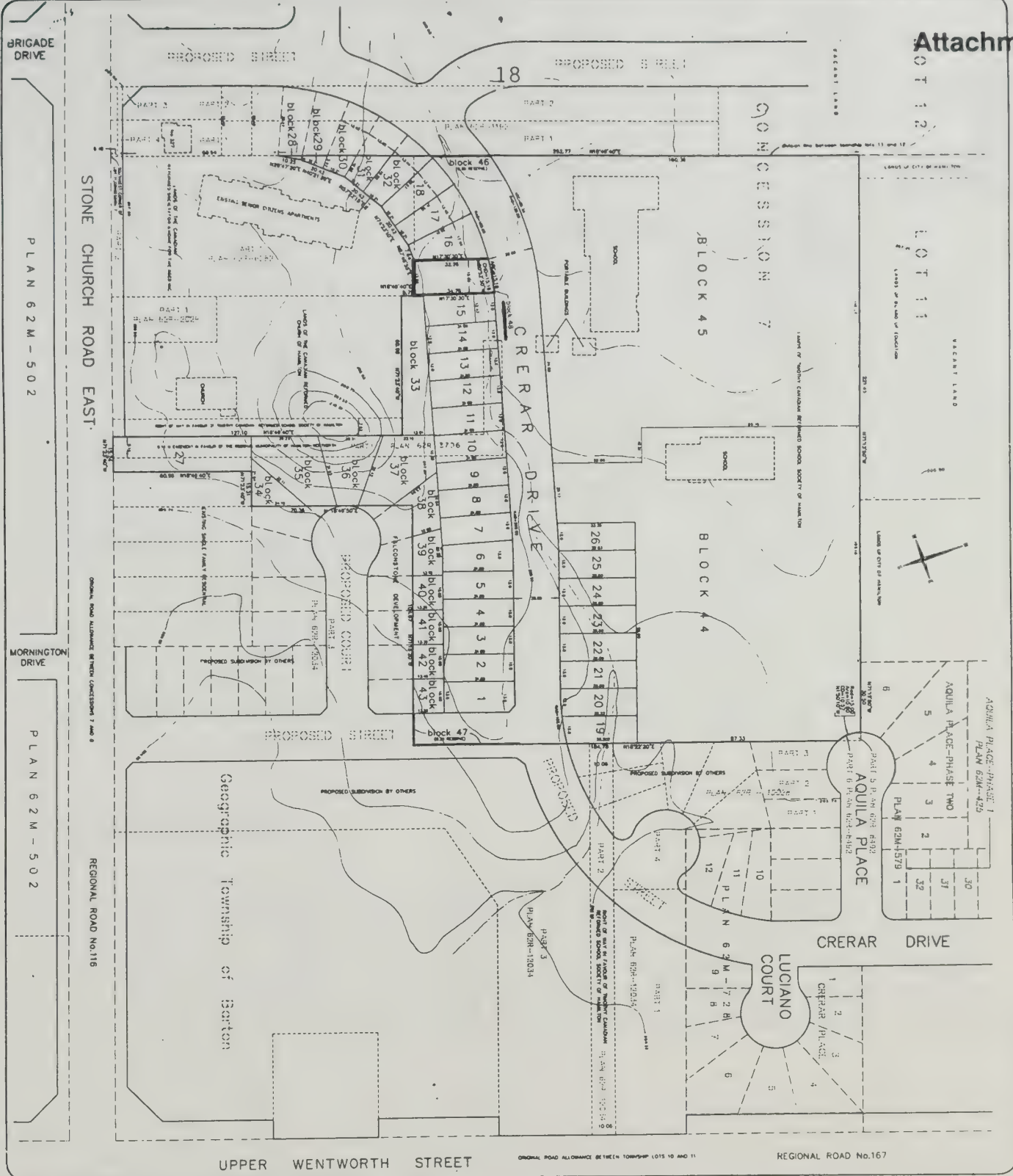


Scale
 N. T. S.

Date
 FEB. 9, 1994

Reference File No.
 25T-94001

Drawing No.



Timothy S. Perry

DRAFT PLAN OF
PART OF LOT 11 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON

SCALE: 1:1000
BLOCKS 1-47

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION BY THE SURVEYOR.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND DECIMALS THEREOF.

NE CHAPTER P13-8.0 - 1990 SECTION 01(1) THE PLANNING ACT

1. SURVEYOR'S CERTIFICATE:

I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby certify that the boundaries of the land shown on this plan and their relationship to adjacent lands are accurately and correctly shown.

2. OWNER'S AUTHORIZATION:

ALL I HAVE SIGNED: I HAVE SIGNED AND AFFIRMED THAT THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

3. SUBDIVISION: DRAFT APPROVAL:

I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby approve the subdivision of the land shown on this plan into the lots, blocks, and other divisions shown thereon.

4. J. Clark and Associates

2 AND 3 WILSON STREET

2

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 7
ZAC-93-16
Ryckmans Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

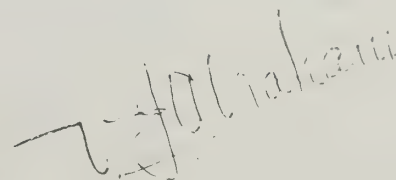
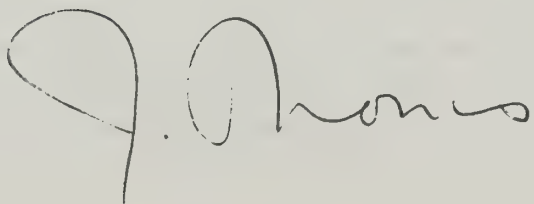
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Zoning Application 93-16 - Lands located at No. 1367
Upper James Street

RECOMMENDATION:

1. That Section 3.B. of the Eighteenth Report of the Planning and Development Committee for 1993, respecting Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, requiring the registration of mutual right-of-way agreements, as a condition of rezoning, for lands located at No. 1367 Upper James Street, as shown on the attached map marked as APPENDIX "A", be repealed in its entirety.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Zoning Application 93-16 was approved by Council on November 30, 1993, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for lands located at No. 1367 Upper James Street, as shown on the attached map marked as APPENDIX "A". The application is to permit development of the subject lands for a two storey commercial building for law offices. However, the amending by-law was withheld, subject to the following conditions of approval:

- a) That the applicant (Diana Marie Hubbard and Edith Held) be required (with the consent of the Land Division Committee) to enter into right-of-way agreement(s) with the property owners to the north (Gombar Yolanda), and east (Estate of Wilfred Horning) to provide for permanent shared access to Upper James Street, over the lands of the applicant and over the lands to the north and east, binding on the respective property owners', heirs, successors and assigns.
- b) That the applicant's solicitor be required to provide to the City Solicitor a Solicitor's Certificate to the City certifying that the required right-of-way agreements have been entered into, registered and are binding upon the applicable landowners.
- c) That the applicant be required to fulfil Items (a) and (b), within 6 months of this Council Resolution and in default thereof, this approval resolution shall cease and no longer be in force.

The intent of the above noted conditions was to provide for coordinated development between the subject property and the adjacent properties to the north and east, specifically, shared service roads and access points.

The applicants' agent has attempted to arrange mutual right-of-way agreements with the adjacent property owners, however, neither are willing to proceed with such agreements at this time. Alternately, the applicant has suggested that they would be willing to give easements over to the City, until such time as the adjacent properties are developed, at which time the City could impose similar conditions on the adjacent properties. Once the appropriate mutual rights-of-way agreements were in place for the subject lands and adjacent properties, the City could then release their easements. (See attached letter from the applicant's agent, marked as APPENDIX "B".) However, the Law Department advises that the City may not require such rights-of-way from an applicant as a condition of rezoning.

RESULTS OF CIRCULATION:

The Traffic and Regional Roads Departments were circulated, to obtain their comments regarding deletion of the requirement for mutual right-of-way agreements.

- The Traffic Department has advised that:

"It is our understanding that the right-of-way agreements required as a condition of approval for this application have not been achieved, despite the efforts of the applicants. It therefore appears that we have little choice but to recommend the deletion of this condition from the approval recommendation. Removal of the condition would allow the development to proceed at this time.

The applicant should be advised that as part of the site plan approval process we will be requiring that the plan provide driveway aisles as currently shown on the preliminary designs in order to preserve the opportunity for negotiations with the adjacent owners at some point in the future."

- The Regional Roads Department has advised that:

"...2. As noted on the approved neighbourhood plan, these lands are part of a larger block of land designated commercial at the southeast corner of Stone Church Road and Upper James Street. It is still our opinion that this entire block should have been consolidated and developed as one plaza with common access points to Upper James Street and Stone Church Road. Since attempts to provide this common access have been unsuccessful between the applicant and adjacent owners and since it does not appear that the adjacent owners will proceed with the development of their lands in the near future, it may be appropriate to remove the requirement for rights-of-ways as a condition of rezoning approval at this time. The Committee should be aware that the separate development of these lands may compromise the access points to this designated commercial block and may impact on the traffic operation of the intersection of Stone Church Road and Upper James Street in the future.

3. We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, access, landscaping, etc. will be submitted. We will also be requiring that the site plan provide driveway aisles as currently shown on the preliminary design plans prepared by the Traffic Department in order to preserve the opportunity for negotiations with the adjacent owners at some future date.

...6. Our previous comments dated October 22, 1993, with respect to the status of the rear drainage easement, are still applicable."

COMMENTS:

1. As stated previously, the intent of the conditions of approval was to provide for coordinated development between the subject property and the adjacent properties to the north and east, specifically, shared service roads and access points. The mutual rights-of-way would have ensured the right to access between adjacent properties. However, the City still has the opportunity to review site details and require certain provisions through the Site Plan process.

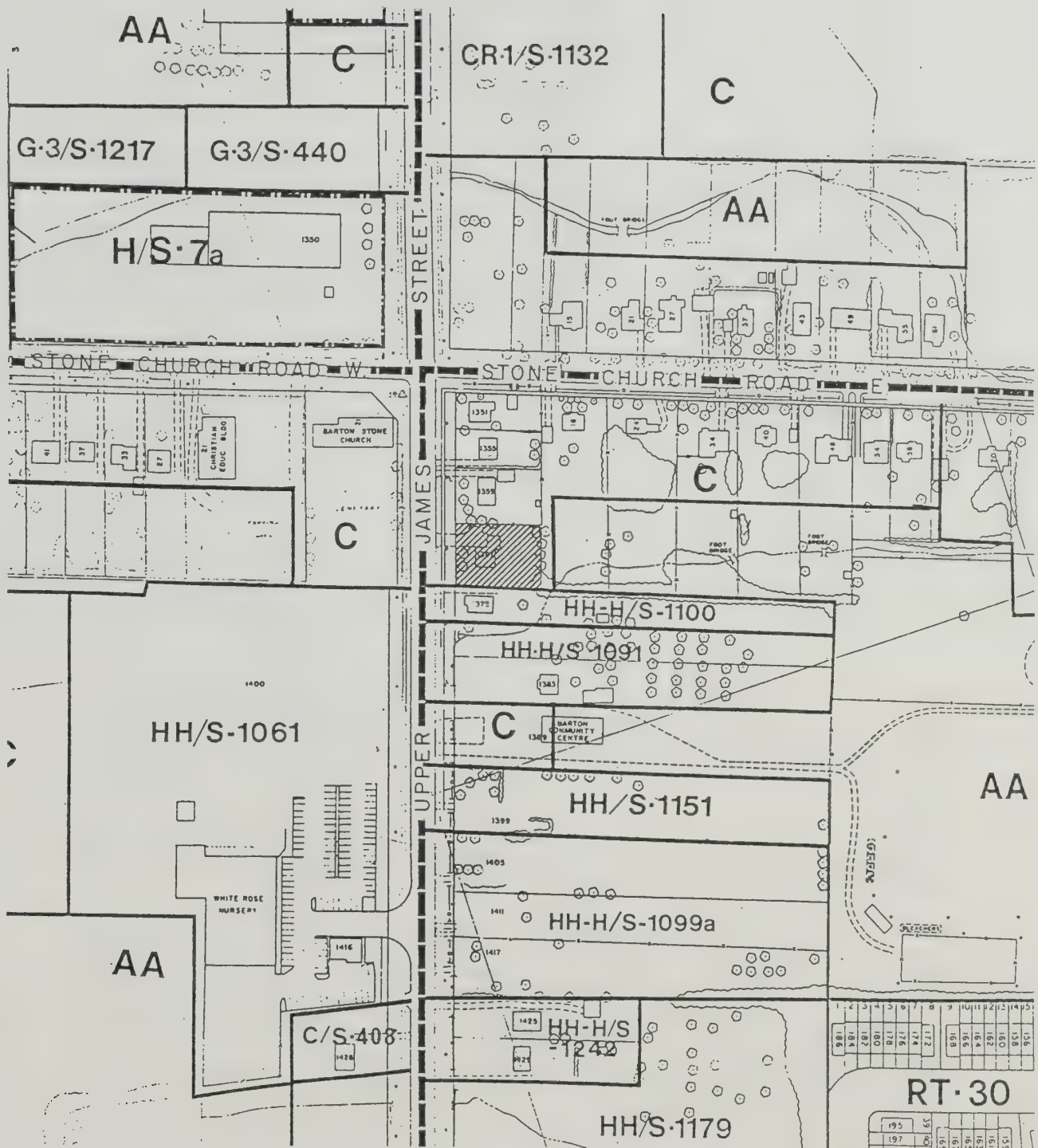
In this regard, the City can review the site details at the Site Plan stage to ensure that the site is designed in a manner which would not preclude future coordination/consolidation with adjacent properties. For example, a site design that can easily accommodate shared service roads and access with adjacent properties can be included in the Site Plan agreement. Unless the subject lands and adjacent properties are eventually consolidated, right-of-way agreements may still be required in the future, however, this may be done at the time adjacent properties are developed. In this regard, deletion of the conditions of approval would not preclude the coordination of the proposed development on the subject lands with future development on adjacent lands.

2. With regard to condition 3.B.c), that the applicant be required to complete the agreements within six months of the Council resolution, or the approval shall cease and no longer be in force, the approval technically expired on May 30, 1994. However, as demonstrated in the Background of this Report, the applicants' agent has been involved with ongoing attempts to obtain the agreements. Furthermore, when these attempts were unsuccessful, the applicant did approach the City with an alternative within the six month time limit. In addition, it should be noted that there has been additional time required for the City's review (ie. legal advise and recirculation) of the alternative proposed by the applicant, and subsequently, removal of the conditions. In this regard, it is felt that the rezoning approval should not cease, but should be amended as recommended.

CONCLUSION:

Based on the foregoing, the conditions of approval applied to Zoning Application 93-16 (Section 3.B. of the Eighteenth Report of the Planning and Development Committee for 1993), should be repealed.

CL-M



BARRISTERS, SOLICITORS, NOTARIES PUBLIC

TERRY GARMAN, B.A., LL.B.
JAY W. STATE, B.Sc., LL.B.
* DANIEL D.A. VENTRESCA, LL.B.
JAMES M. SHEA, Hon. B.A., M.A., LL.B.
* Trade Mark Agent

REFER TO FILE NO. 28,752

March 30th, 1994

City Hall Planning Dept.,
City Hall,
Main St. W.,
Hamilton, Ontario.

Attention: Mr. Lakatos

Dear Sir:

Re: 1367 Upper James Street

Application # 93-16

Further to our conversation of March 29th, 1994, I wish to confirm that I'm not getting any cooperation from my neighbours in respect of the city's requirement for mutual easements. I've even written to them asking them to correspond directly with you; however, I understand you've not received any response from them.

Under those circumstances I find it impossible to comply with the Planning Board's condition that the easements be given, not because we are unwilling to do so but because the neighbours are unwilling.

If the Planning Board is unwilling to waive this requirement, I would suggest that initially we give easements over the land in question to the city and subsequently, when the adjoining properties are developed and the city places the same conditions upon them, either the city can assign the easements to the neighbours in exchange for them giving us easements or alternatively, the city can then release the easements once we've given easements over the same property to the neighbours as required. In this way, we would be unable to build on the land and the land will be available for the easements if and as required.

cont....

APPENDIX B

PLANNING & DEVELOPMENT
LOCAL PLANNING BOARD

FILE NO. MAR '83 1994

TO: [illegible] INFO: ACT

FROM: [illegible]

DATE: [illegible]

RE: [illegible]

FM [illegible]

SL [illegible]

CART.

ADMIN.

- 2 -

In any event, we would ask that this matter be placed back on the Planning Board's agenda so we can put our proposition to the Planning Board so we can get this matter going. Because of the conditions imposed, a lot of valuable time has been wasted and we were looking forward to start building come the 1994 spring but we now realize this is impossible. We would like to try to avoid any further delays, as we need the space.

Sincerely yours,

STATE & GARMAN
per



Terry Garman

TG/mf

BARRIER FREE DESIGN SUB-COMMITTEE

MEMORANDUM

3

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: H. Kayal
Chairman,
Barrier Free Design Sub-Committee

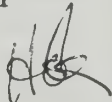
OUR FILE:
PHONE: 546-4606

SUBJECT: Barrier Free Design Standards
for the City of Hamilton

DATE: 1994 October 11

Tina, Please find enclosed a copy of the executive summary of the above noted. Alderman Copps and myself would like to present the BFD standards for approximately 5 minutes in the meeting of Planning & Development of 1994 October 19. For your information, we are presenting a similar request to Parks and Recreation Committee and also, from the Property Department, a recommendation to Finance and Administration in preparation for City Council of 1994 October 25.

If you have any questions, please do not hesitate to call me at ext. 4606.



c.c. Alderman G. Copps, Alderman, Ward 4
Chairman, Regional Advisory Committee For Persons with Physical
Disabilities.
D. W. Vyce, Director of Property

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

MISSION STATEMENT

**THE BARRIER FREE DESIGN SUBCOMMITTEE IS COMMITTED TO
PROVIDING THE COMMUNITY WITH A SET OF DESIGN STANDARDS
THAT WILL LEAD TO THE ELIMINATION OF BARRIERS
FACING PERSONS WITH VARIOUS DISABILITIES
IN THE BUILT ENVIRONMENT**

MANDATE

**THE BARRIER FREE DESIGN SUBCOMMITTEE RECOMMENDS TO
ITS PARENT REGIONAL COMMITTEES A SET OF DESIGN STANDARDS
WHICH ADDRESSES THE ELIMINATION OF PHYSICAL BARRIERS
IN THE BUILT ENVIRONMENT**

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

EXECUTIVE SUMMARY

HISTORY AND BACKGROUND

The Barrier Free Design Sub-Committee is a sub-committee of the Regional Advisory Committee for Persons with Physical Disabilities. The Barrier Free Design project was initiated in 1985 in response to employment equity legislation. The purpose was to investigate the potential of modifying the work place to accommodate persons with physical disabilities. The main question posed to the sub-committee was which building standard should be applied. An evaluation of existing Barrier Free Design Standards took place to decide the most suitable. Unfortunately, none were complete or satisfactory. The sub-committee mandate, at this point, was transformed to put together a set of standards which, when applied, shall provide the Region and the City with a complete and satisfactory set of Barrier Free Design Standards. Since 1991, the sub-committee has been meeting monthly to achieve its mandate. In 1994 the Barrier Free Design Sub-Committee is presenting to Regional Council and Hamilton City Council a set of standards, that are most comprehensive and go beyond all other available documents. The Standards are the collective knowledge and expertise of the participants, the input of the public and resource group, and the extensive research of available codes and standards, both Canadian and American.

FINDINGS

1. Application of Barrier Free Design Standards at the time of the Design of buildings and facilities achieve a substantially "better" facility with minor construction cost increases (on average 1 - 1 ½%) which also avoid after the fact retrofits.
2. The development of the Standards proved that it is an evolving process which will continue to evolve with time. There are advances in technology, changes in construction methods and new developments in the health care system which all impact the standards.
3. The standards should be reviewed every 3-5 years to maintain its status with the technology advances.

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

EXECUTIVE SUMMARY

SCOPE AND APPLICATION

1. Mandatory for all newly constructed and retrofitted buildings owned, leased or funded (partially or fully) by the Regional and/or Municipal Government and shall be put forward to the municipalities within the Region for consideration.
2. Recommended for all other buildings and private developments whether new or retrofitted.
3. Compliance with these Standards is a condition upon which Site Plan approval and building permit will be issued.
4. In case of disputes and or/non-compliance;
 - i. Site Plan to be submitted to the Planning Department for ruling (refer to Appendix A).
 - ii. Building Standards to be submitted to the Building Commissioner for ruling (refer to Appendix B).

The Property Department and other Regional and City Departments, through the project management function, shall ensure compliance to the Barrier Free Standards during the pre-planning, design, construction documents preparation and the contract administration phase.

BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON

Section 1: GENERAL

1.1 General

- i. The standards are set to respond to disabilities, such as mobility impairment, visual and hearing impairments, co-ordination and endurance impairments.
- ii. The standards contain minimum dimensions for *Adult* persons with disabilities. Prior to the design stage, special consideration should be given to the function and the patrons of a facility. A review and upgrade of the standards may be required in which case the facilities management departments of both the City and the Region would appreciate correspondence indicating the upgraded standards used.
- iii. The standards shall be incorporated into the overall design for the project.
- iv. It is recommended to use automatic/automated devices and equipment whenever feasible.

Departures from particular technical and scoping requirement of these standards by use of other designs and technologies are permitted where the alternative design and technology used is proven to provide equivalent or greater access to the usability of the facility.
- v. The Facility Management Departments of the Region and the municipalities shall review and/or update the standards every 3-5 years in order to reflect technological advancements and new construction methods.

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

1. GENERAL.Cont'd

1.1 General.Cont'd

vi. Dimensions used in the document are metric. Nearest Imperial equivalent dimensions are in parenthesis.

vii. These Standards supersede the Ontario Building Code and all other Standards.

1.2 Scope and Application

1.2.1 General

The requirements of these standards shall be:

i. Mandatory for all newly constructed and retrofitted buildings owned, leased or funded (partially or fully) by the Regional and/or Municipal Government and shall be put forward to the municipalities within the Region for consideration.

ii. Recommended for all other buildings and private developments whether new or retrofitted.

iii. Compliance with these Standards is a condition upon which Site Plan approval and building permit shall be issued.

iv. In case of disputes and or non-compliance;

1. Site Plan to be submitted to the Planning Department for ruling (refer to Appendix A).

2. Building Standards to be submitted to the Building Commissioner for ruling (refer to Appendix B).

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

1. GENERAL.Cont'd

1.2.2 Application Based on Building Use

Special application Section 6 provide additional requirements for parks, sports facilities, recreational facilities, drinking and eating facilities, assembly areas and theatres, cultural facilities, airports, train stations and travel points. When a building or facility contains more than one use covered by a special application section, each portion shall comply with the requirements for that section in addition to all other general provisions.

1.2.3 Work Areas/Employee's Designated Areas

All facilities shall be accessible for employees as well as patrons/users. All areas intended for use by employees shall be designed and constructed to comply with the standards.

1.2.4 Temporary Facilities

These standards cover temporary buildings or facilities as well as permanent facilities. Refer to 1.4 for definition.

1.2.5 Retrofitting, Additions and Building Alterations.

- i. Each addition to an existing building or facility shall be regarded as an alteration. Each space or element added to the existing building or facility shall comply with the applicable provisions of these standards.

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

1. GENERAL.Cont'd

1.2.5 Retrofitting, Additions and Building Alterations. . .Cont'd

- ii. No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.
- iii. If existing elements, spaces, or common areas are altered, then each such altered element, space, feature, or area shall comply with all applicable provisions. If the applicable provision for new construction requires that an element, space or common area be on an accessible route and the altered element, space or common area is not on an accessible route, this route will be altered to become accessible.
- iv. If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire space shall be made accessible.
- v. No alteration of an existing element, space, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction. For example, if the elevators and stairs in a building are being altered and the elevators are, in turn, being made accessible, then no accessibility modifications are required to the stairs connecting levels connected by the elevator. If stair modifications to correct unsafe conditions are required by other codes, the modifications shall be done in compliance with these guidelines unless technically infeasible.

**BARRIER FREE DESIGN SUB-COMMITTEE
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
CITY OF HAMILTON**

1. GENERAL.Cont'd

1.2.5 Retrofitting, Additions and Building Alterations. . .Cont'd

- vi. If an escalator or stairs is planned or installed where none existed previously and major structural modifications are necessary for such installations, then a means of accessible vertical access shall be provided that complies with 3.3.2.
- vii. Entrances: If a planned alteration entails alterations to an entrance, and the building has an accessible entrance, the entrance being altered is required to comply with 3.2 and all other applicable standards.
- viii If the alteration work is limited solely to the electrical, mechanical, or plumbing system, or to hazardous material abatement, or automatic sprinkler retrofitting, and does not involve the alteration of any elements or spaces required to be accessible under these guidelines then these standards do not apply except sections 4.2.4.3, 4.4 and Section 7 shall apply.
- ix. Alterations to an Area Containing a Primary Function: In addition to the requirements applicable to that specific space/area, an alteration that affects, or could affect the usability of or access to, an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities.

4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 October 13

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Durand-Markland Heritage Conservation District -
Designation

RECOMMENDATION:

- a) That City Council give approval to designate by by-law the Durand-Markland Heritage Conservation District under Part V of the Ontario Heritage Act; and
- b) That the City Solicitor be authorized and directed to take the appropriate action to have this district designated pursuant to the provisions of the Ontario Heritage Act, 1983; and
- c) That City Council adopt the Durand Markland Heritage Conservation District Plan, as prepared by Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited, October 1994; and
- d) That the implementation strategies for the Durand-Markland Heritage Conservation District Plan be undertaken by the appropriate departments and agencies; and
- e) That the recommendations for heritage policies, as contained in the Durand-Markland Heritage Conservation District Plan, be referred to the Planning and Development Department for consideration in the review of the City of Hamilton Official Plan in 1995; and
- f) That the recommendations for permitting additional tree species for public property in the Durand-Markland Heritage Conservation District be referred to the Public Works Department for review and consideration.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In 1990, the Durand-Markland Heritage Conservation District Study was initiated in response to a petition signed by 26 residents from Markland St. (between James and Bay Streets) Chilton Place, and MacNab St. South (between Markland and Herkimer Streets). This initiative was supported by LACAC and approved by Council in October, 1990.

In 1991, Council approved By-Law No. 91-12 to examine the area of Durand-Markland as a Heritage Conservation District, in accordance with the requirements of the Ontario Heritage Act. Application was made for provincial heritage funding for the study.

In 1992, the Ontario Heritage Foundation approved matching funding to undertake the preparation of a Heritage Assessment Study and District Plan; the consulting firm of Unterman, McPhail, and Cuming was hired and the first public meeting was held in June, 1992.

From 1992 to 1994, three public meetings were held for area property owners. In addition, a six-member District Steering Committee met with the consultants and staff over a period of a year and a half.

In 1993, the background study known as the Heritage Assessment Report was completed. This study established the Durand-Markland area as being worthy of designation as a heritage conservation district under Part V of the Ontario Heritage Act.

In June 1994, the preliminary District Plan was reviewed and approved by the District Steering Committee with revisions. The draft District Plan was then submitted to City Hall in July 1994 and circularized to city staff in August and September. The consultants presented the draft District Plan at a third public meeting, held October 6, 1994, in City Hall.

AREA:

Map of the proposed Durand-Markland Heritage Conservation District is attached.

COMMENTS RECEIVED:

- The Policy and Neighbourhood Plan Section advises that:

RE: 1.2.1

Proposed Heritage Policies for the Official Plan can be generally supported but will be subject to closer study during the formal review of the City of Hamilton Official Plan in 1995.

A Heritage Impact Analysis for proposed development on properties abutting to designated Heritage Conservation Districts raised concern that it would add another step in the development process and put the burden of proof on the developer.

- The Development and Urban Design Section advises that:

RE:1.5 Site Plan Control does not currently apply to single or two-family dwellings, but if warranted for the Durand-Markland District, then the appropriate action would be to pass a Site Plan Control By-Law for the specific area under specific conditions;

RE:1.3; 2.3

Current Front Yard Parking regulations (By-Law No. 93-063 and No.92-281) have landscaping requirements which previously did not exist: exemption from these Front Yard Parking By-Laws is not recommended for it would totally eliminate the landscaping requirements. Any change to the existing by-laws (such as the recommendation that no further front yard parking be allowed {2.3}), would require a City Initiative for the Durand-Markland Heritage District.

- The following departments have no comment or objection:

- The Building Department
 - The Traffic Department

- The Durand-Markland District Steering Committee, a six-member committee composed of district property owners, approved the draft Heritage Conservation District Plan, dated July 1994.

- The Regional Planning Branch advises that:

The Draft Plan for the Durand-Markland Heritage Conservation District conforms to the following objective in the Hamilton-Wentworth Official Plan:

"To protect, where feasible, buildings, sites, districts and other unique features of the Region's history and culture and to promote the interest of the residents in their heritage."

- The Public Works Department advises that:

Any residential street less than 8.5m be widened during reconstruction where conditions permit and no undue hardships will be created;

A number of tree species recommended in the consultants' report for planting on public property are not allowed under the City of Hamilton By-Law No. 92-155 Respecting Trees or under current department policy.

COMMENTS:

The proposed designation of the Durand-Markland Heritage Conservation District under Part V of the Ontario Heritage Act conforms with the intent of the Official Plan. Recommended additional heritage policies (1.2.1) for the Official Plan are considered acceptable in general and can be thoroughly examined during the Official Plan Review in 1995.

The recommendation to not permit new front yard parking spaces (2.3) can be supported as it was endorsed by the District Steering Committee in order to maintain current on-street parking places and to preserve unobstructed views to the historic houses.

The proposed use of Site Plan Control (1.5) for new primary residences in the Durand-Markland Heritage District can be supported because the Ontario Heritage Act regulations pertain only to buildings and not to landscape plans. In this respect, the Site Plan Control process offers an opportunity to enhance the new development and its immediate surroundings. The Heritage Permit application and Site Plan Control application would be considered within the same time frame and would not slow down the process (3.5).

The recommendation for an Heritage Impact Analysis for a major new development on lands abutting the Durand-Markland Heritage District can be supported. There are several conditions attached: (1) the development would have a commercial, institutional, medium or high density residential, or industrial use and, thereby be in contrast to the single and two-family residential character of the existing district; (2) the lands must be abutting the District itself; and (3) Council must determine that the proposal could adversely affect the heritage district. Furthermore, it is an optional course of action. Regulations for the new Planning Act and for the proposed revised Ontario Heritage Act incorporate the use of heritage impact studies in the planning process.

The recommendation to consider including additional tree species for public lands in the Markland-Durand District can be supported on the basis of continuing the traditional and richly varied treescape in the district. Because of the technical aspect of the tree-planting program, however, this recommendation should be referred to the Public Works Department for further review.

In terms of citizen support, results of the third Public Meeting, held October 6, 1994, indicate that the owners of properties in the district are still in strong support of the proposed heritage designation. This was further confirmed by an informal telephone survey undertaken by members of the Steering Committee. It should be noted that the Planning Department has received one letter of objection, from Mr. Carl

Turkstra, owner of 50 Markland St., who purchased his residence after the District Study was underway.

CONCLUSION:

Based on the foregoing, designation of the Durand-Markland Heritage Conservation District under the Ontario Heritage Act can be supported; adoption by Council of the Durand-Markland Heritage Conservation District Plan can also be supported.

att.

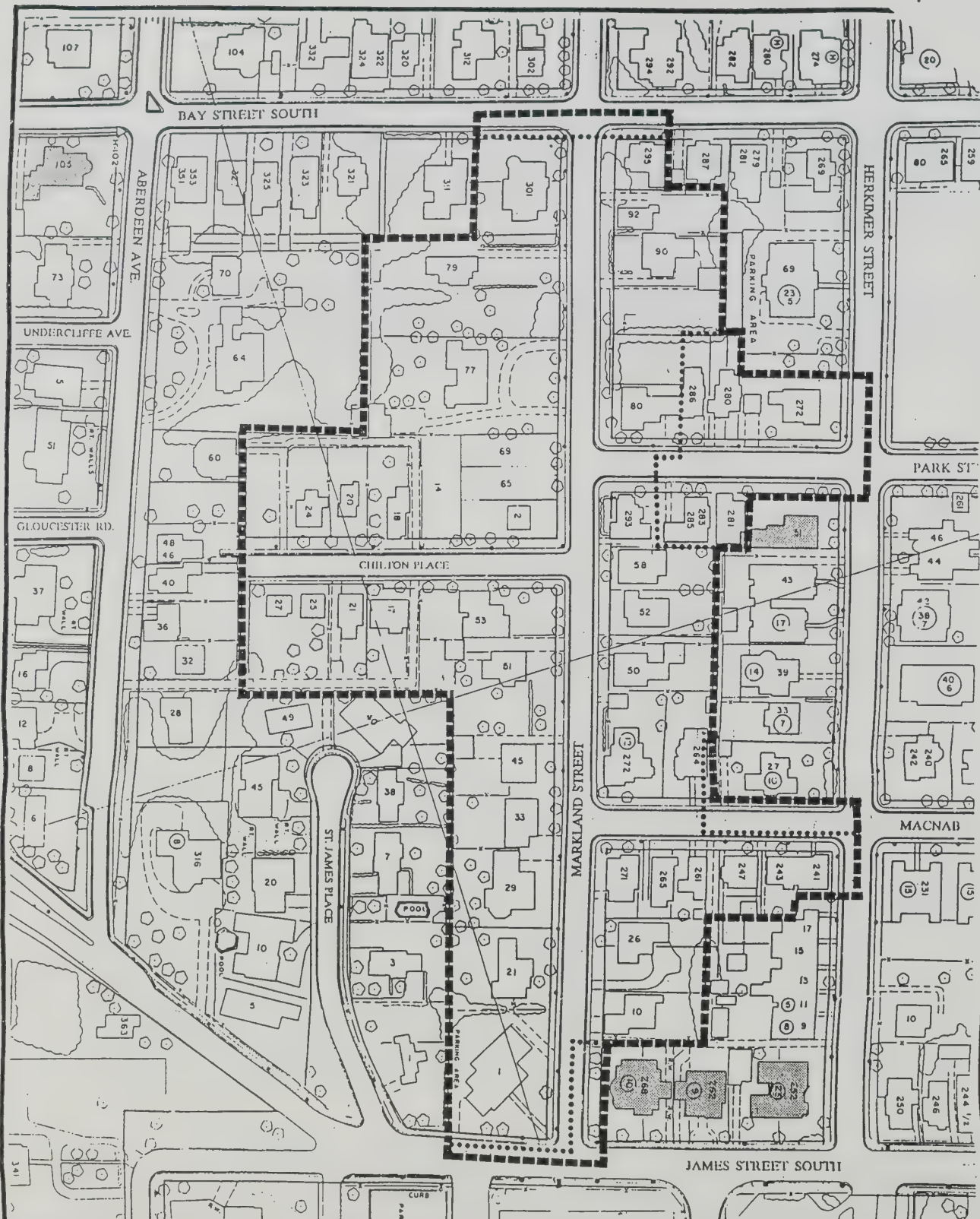
c.c. Victor Abraham, Director of Local Planning

Nina Chapple, Architectural Historian, Planning Department

Patrice Noé Johnson, City Solicitor

Len King, Building Commissioner

Chris Firth-Eagland, Acting Director of Public Works
Attention: Jim Pook, Horticulturist



DURAND-MARKLAND HERITAGE CONSERVATION DISTRICT STUDY

UNTERMAN McPAIL, CUMING
ASSOCIATES

WENDY SHEARER
LANDSCAPE ARCHITECT LIMITED

DATE: JULY 1994



HERITAGE CONSERVATION DISTRICT BOUNDARY

LEGEND

----- DISTRICT BOUNDARY

■ DESIGNATED PART IV

..... DISTRICT STUDY AREA

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 11
(ENV-ESA)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

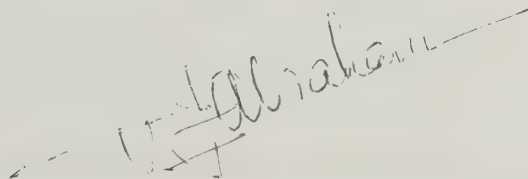
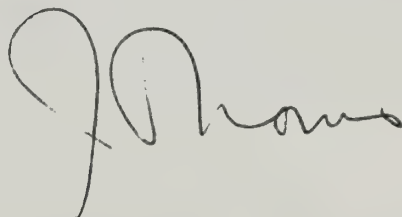
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a Waiver from an Environmental Impact
Statement - Kimberly Drive

RECOMMENDATIONS:

- A. That approval be given to the Environmental Impact Statement Waiver, on behalf of Diconzo Construction, to permit the development of the subject lands for a single-family dwelling, for the lands located on the west side of Kimberly Drive, north of the intersection of Dundonald, as shown on the attached map marked as APPENDIX "A".
- B. That the City Clerk be requested to forward a copy of Council's decision to the Regional Clerk and the Niagara Escarpment Commission.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- History

The subject lands are located on the west side of Kimberly Drive, at the intersection of Dundonald Drive. These lands are part of Block "15" in the Kimberly Estates Subdivision which are currently owned by the City. The lands to the north (Blocks 1 to 13) and the one to the south (Block 14) have been developed for 14 single-family dwellings.

Under the Subdivision Agreement, the previous owner, Mr. Dicenzo has the right to buy back a portion of the land previously donated to the City as 5% land dedication (Block 15) within a ten year period. The expiry date for this option is March 1995. The Subdivision Agreement includes clauses that Mr. Dicenzo could develop the lands between Lots 13 and 14 for single-family dwellings provided all the necessary requirements of the regulatory agencies are satisfied and all the required monies, servicing costs, etc are paid.

- City of Hamilton Official Plan

The lands are designated OPEN SPACE on Schedule "A" - Land Use Concept of the City's Official Plan. In early 1994, the Department noted the land north and south of the subject lands were designated OPEN SPACE but in fact were used for residential purposes. Through the bi-annual Official Plan Housekeeping amendment, the City proposed to redesignate the lands to RESIDENTIAL. This redesignation was endorsed by the NEC and consequently included as part of the OPA. The OPA has been adopted by City Council and is in the process of being forwarded to the Region for Ministry approval.

In addition, the lands are designated "Environmentally Sensitive" on Schedule "D" - Environmentally Sensitive Areas. As such, the OP policies require that either an Environmental Impact Statement or an Waiver request is undertaken.

- Niagara Escarpment Jurisdiction

The lands are under the "Development Control" provisions of the Niagara Escarpment Commission; therefore, zoning does not apply. The NEC approved the permit provided a number of conditions were met including the approval of the waiver request by both the City and Region; the completion of the Housekeeping Official Plan Amendment, grading, etc.

WAIVER REQUEST:

The waiver request was prepared by Planning Initiatives on behalf of Diconzo Construction.

In 1993, the Region established the Environmentally Significant Areas Impact Evaluation Group (ESAIG) to assist staff in the evaluation of Environmental Impact Statements; to identify potential impacts and help identify appropriate mitigation measures.

ESAIG considered the waiver request and had the following comments:

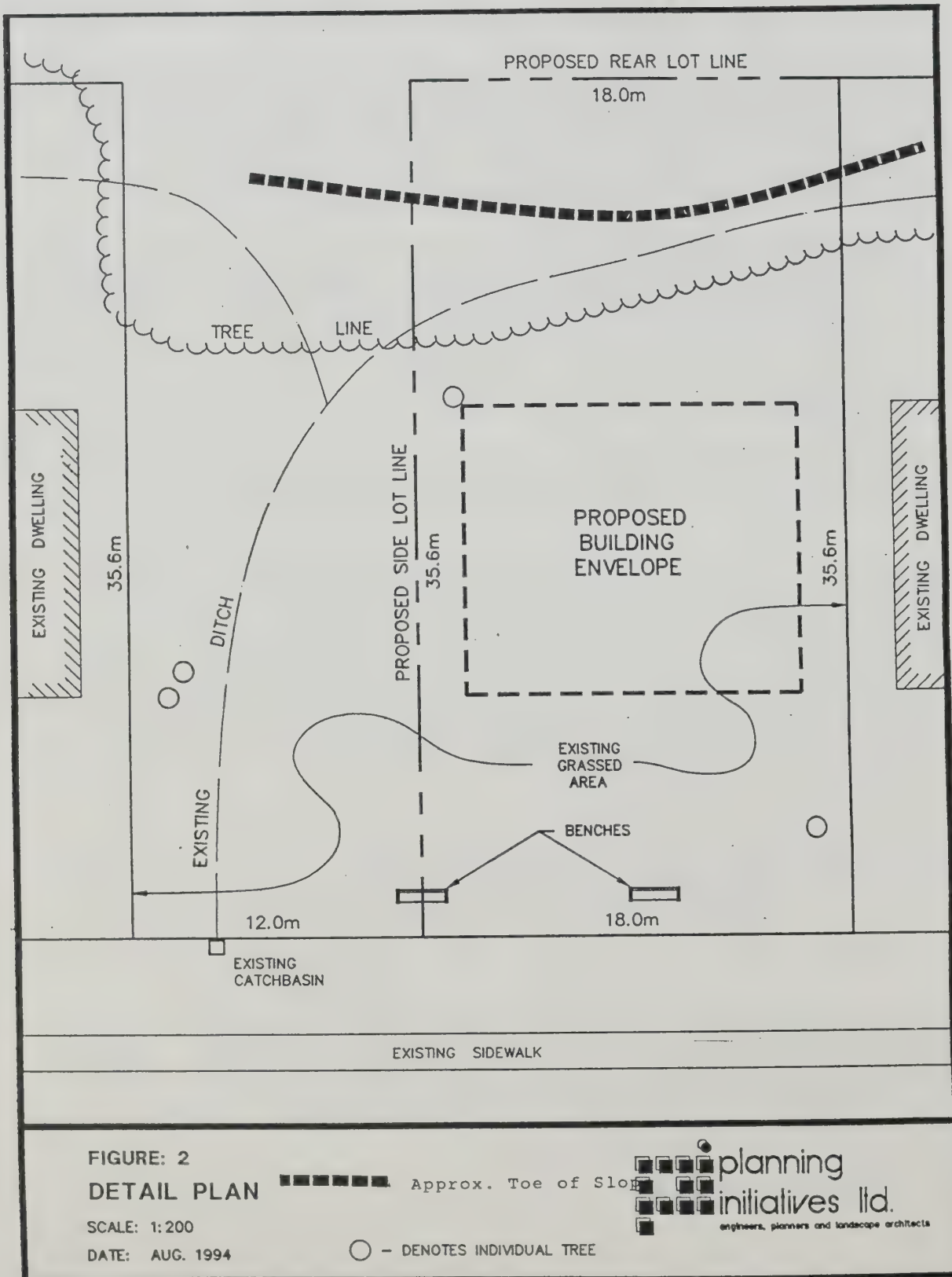
"The Committee reached the conclusion that there was no appreciable impact on the Hamilton Escarpment ESA. In view of the conclusion, the group advised they had no objection to the waiver."

CONCLUSION:

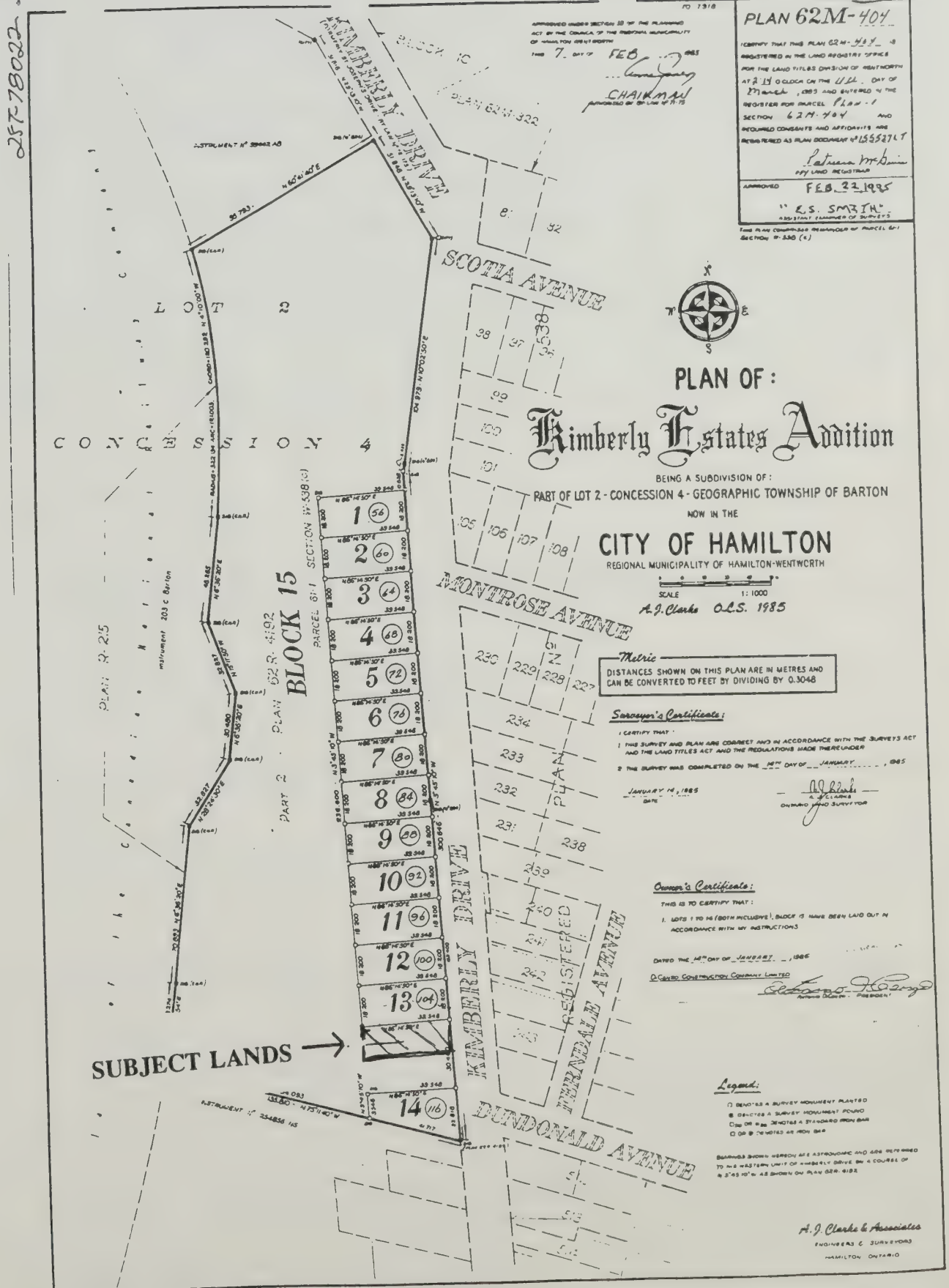
Based on the above, the Environmental Impact Statement Waiver can be supported since there appears to be no adverse effects on the environmentally sensitive area.

JHE/jhe

esa-camb.oct



APPENDIX "A"



CITY OF HAMILTON
- RECOMMENDATION -

6

DATE: 1994 October 7
DA93-41 (ZA-92-39)
Beasley Neighbourhood

REPORT TO: Charlene Touzel, Secretary
of the Planning and Development Committee

FROM: J. D. Thoms
Commissioner of Planning and Development

V. J. Abraham
Director of Local Planning

SUBJECT: Site Plan Control Application DA-93-41 for a parking lot at
150 Catharine Street North

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-93-41 by Pane Del Sole Bakery Limited, owner of lands known as 150 Catharine Street North, as shown on the attached map, for a parking lot subject to the following:
 - i) modification to plans in relation to notes, dimensions, paving, grades, fencing and landscaping as marked in red on the plan;
 - ii) provision of a note on the plans dealing with details for Tree Protection as marked in red on the plans; and,
 - iii) provision of appropriate agreement and securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993; and:
2. That in regard to Zoning Application ZA-92-39, the following resolution be forwarded to City Council for approval;

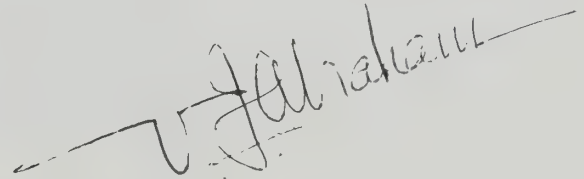
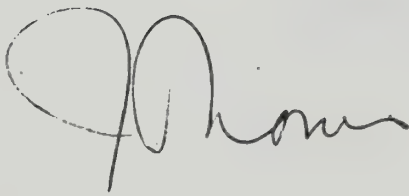
That Item 7.A.(a)(i)(1) of the Twenty-First Report of the Planning and Development Department to City Council on 1992 December 8, respecting Zoning Application ZA-92-39 by Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, of lands at 150 Catharine Street North, be amended as follows:

- i) amend Item 7.A.(a)(i)(1) by deleting it in its entirety and replacing it with the following:

- "(1) That a landscape planting strip having a minimum width of 1.0 m shall be provided and maintained along the northerly lot line, except for any area used for vehicular access."

Explanatory Note:

In order to accommodate the revised parking layout and to permit surveillance of the parking area from the street, the previously required visual barrier along the northerly property line should be deleted and the landscape area reduced from 1.5m to 1.0 m wide.



BACKGROUND:

Plans have been submitted for developing a public parking lot at 150 Catharine Street North. The plans provided for a total of 4 parking spaces with 1.5 m wide landscape areas along the north, west and south lot lines. In compliance with the approval of Zoning Application ZA-92-39, a visual barrier is also provided along the same lot lines.

COMMENTS RECEIVED:

- The Hamilton-Wentworth Roads Department in the attached comments has advised the revised grading plan is acceptable and recommends the proposed fence along Cannon and Catharine Streets be deleted.
- The Building Department has advised the plan is satisfactory subject to the rezoning being implemented.
- The Traffic Department has advised the parking spaces should be 2.7 m wide and the fence along Cannon Street be set back 2.0 m from either side of the driveway or alternatively, delete the fence along the street line. An application for a Driveway Approach Permit is required through the Traffic Department.
- The Public Works Department in the attached comment has indicated the information pertaining to tree protection should be included on the plan.

COMMENTS:

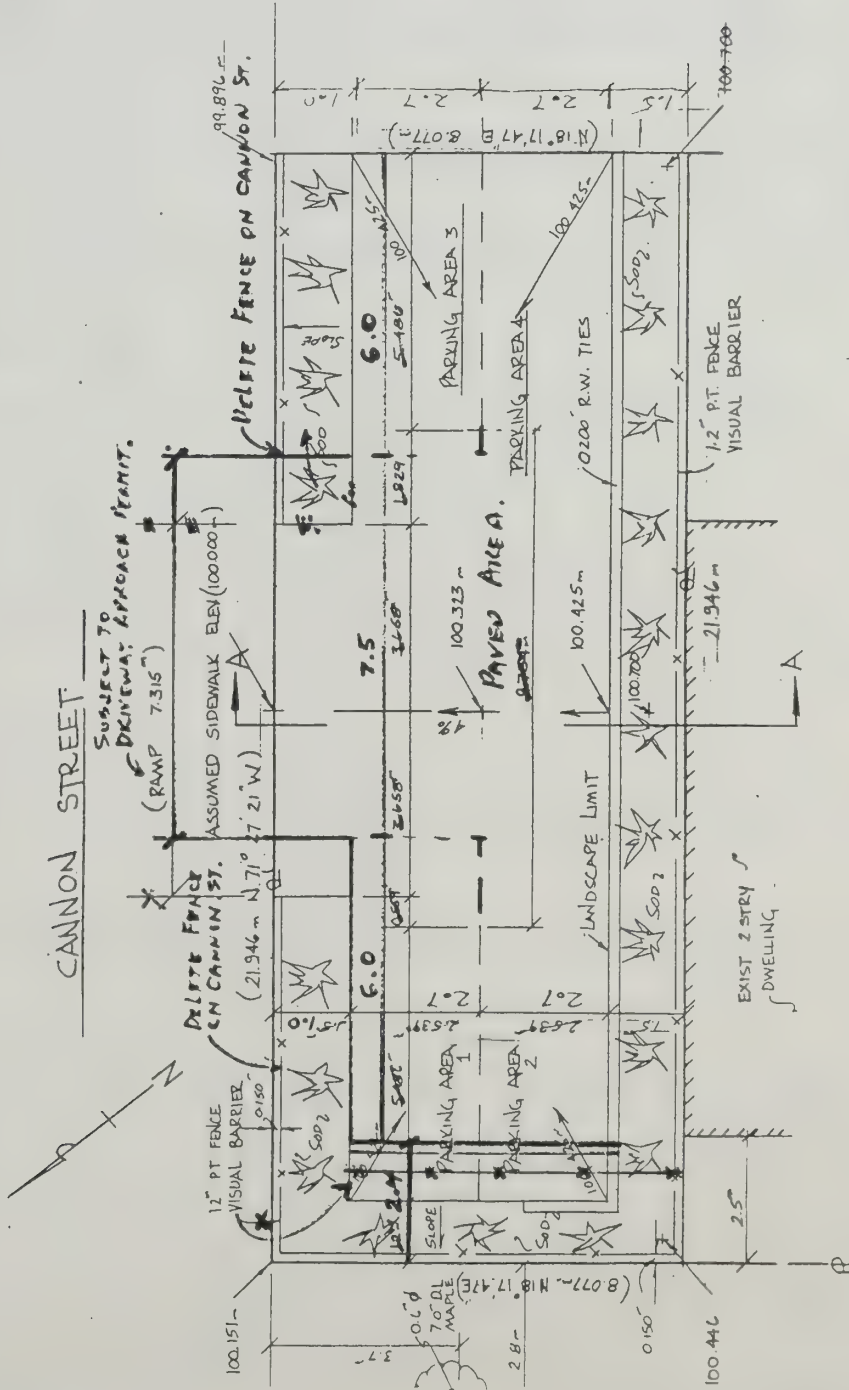
Various modifications are requested to the plans to notes, dimensions, fencing and landscaping and have been marked on the attached plans. The plan should also indicate paving of the parking and manoeuvring area.

The submitted plan has provided low plantings adjacent to the streets. In order to provide clear visibility for vehicles accessing the parking area and to provide street surveillance of the parking area for safety purposes, the visual barrier adjacent to the street should be deleted and the draft by-law amended accordingly. In addition, due to the limited width of the property and to maximize the size of the parking spaces as requested by Traffic Department, the proposed planting strip along the street should be reduced from 1.5 m to 1.0 m and the draft by-law amended. The Council resolution of 8 December 1992, should therefore be amended to delete the fence along the northerly property line and to reduce the landscape area to 1.0m in width.

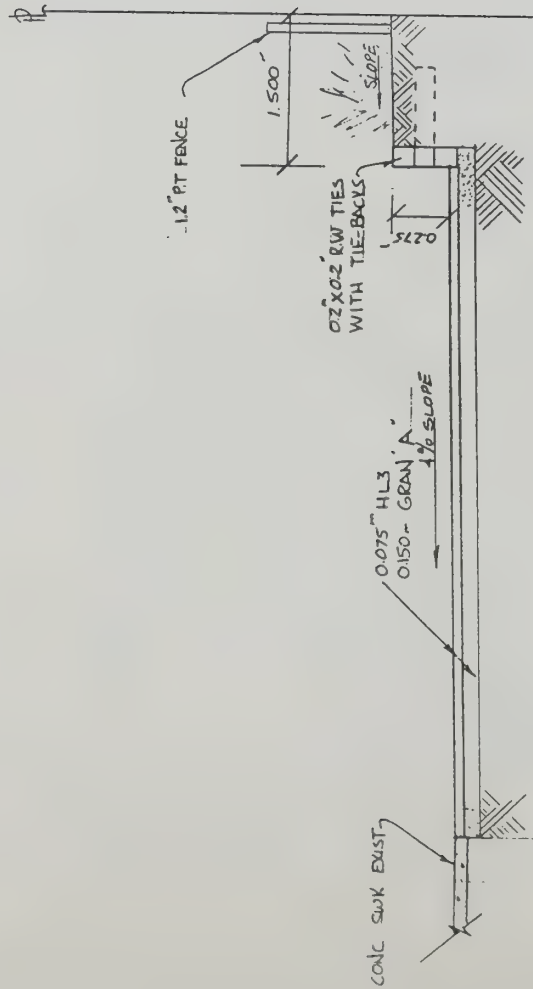
It should be noted that the condition of approval of Zoning Application ZA-92-35 included that the amending By-law not be passed by City Council until a site plan has been approved and registered on title of the land.

jps/da93-41.R

NET PARKING AREA $2424^2 = 11539$



SCALE 1"=100'	PROJECT: PROPOSED PARKING LOT @ 150 CATHARINE ST. N
DWG. 1 / 2	DRAWN BY: CALVIN W. THOMPSON (REGISTERED ARCHITECT)



SECTION A-A

SCALE:	PROJECT:
1:50	PROPOSED PARKING LOT @ 150 CATHARINE ST. N.
DWG	DRAWN BY:
2/5	SANTO M. TULUMELLO (303-4315) HAMILTON

TREE PROTECTION NOTES: UPDATE RE #150 CATHERINE ST. N.

THE CONTRACTOR'S OPERATIONS SHALL NOT CAUSE DAMAGE TO THE TRUNK OR BRANCHES OF THIS TREE.

UNLESS THE CONTRACT REQUIRES WORK WITHIN THE DRIPLINE OF THE TREE EQUIPMENT SHALL NOT BE OPERATED WITHIN THAT DRIPLINE AREA. WHEN THE CONTRACTOR REQUIRES WORK WITHIN THE DRIPLINE OPERATION OF EQUIPMENT WITHIN THAT DRIPLINE AREA SHALL BE KEPT TO THE MINIMUM NECESSARY TO PERFORM THE WORK REQUIRED. PENDING PRIOR WRITTEN PERMISSION FROM THE CITY OF HAMILTON'S HORTICULTURIST.

EQUIPMENT OR VEHICLES SHALL NOT BE PARKED OR REFUELLED, CONSTRUCTION MATERIALS SHALL NOT BE STORED AND EARTH MATERIALS SHALL NOT BE STOCKPILED WITHIN THE DRIPLINE AREA.

BARRIERS FOR TREE PROTECTION SHALL BE ERECTED PRIOR TO COMMENCEMENT OF CONSTRUCTION OPERATION TO PROVIDE A CONTINUOUS BARRICADE BETWEEN TREE AND AREA OF WORK. THE BARRIERS SHALL BE MAINTAINED ERECT AND IN GOOD REPAIR THROUGHOUT THE DURATION OF CONSTRUCTION OPERATIONS AND SHALL BE REMOVED UPON COMPLETION OF THE WORK.

SURPLUS SOIL, EQUIPMENT, VEHICLES, DEBRIS OR MATERIALS SHALL NOT BE PLACED OVER ROOT SYSTEMS OF THE TREE WITHIN THE PROTECTIVE FENCING. NO CONTAMINANTS WILL BE DUMPED OR FLUSHED WHERE FEEDER ROOTS OF TREE EXISTS.

THE DEVELOPER OR THEIR AGENTS SHALL TAKE EVERY PRECAUTION NECESSARY TO PREVENT DAMAGE TO TREES OR SHRUBS TO BE RETAINED.

ALL STONE AT BASE OF TREE TO BE REMOVED BY HAND.

PARKING LOT TO BE CONSTRUCTED FROM EXISTING HOUSE FOUNDATION WALL LINE.

NO EQUIPMENT TO BE PLACED AT ANY TIME ON ROOT SYSTEM.

DRIPLINE: SITE PLAN TO INCLUDE APPROXIMATE LOCATION OF DRIPLINE.
SNOW FENCE BARRIER TO BE PLACED AT DRIPLINE OF TREE PRIOR TO COMMENCEMENT OF WORK.
TREE TRUNKS TO BE WRAPPED WITH BURLAP FROM GROUND LEVEL UP TO 1.5 METERS THEN WRAPPED WITH SNOW FENCE TO PREVENT MECHANICAL INJURY.

TREE CUTTING AND REPAIR.

WITHIN FIVE CALENDAR DAYS OF DAMAGE, BRANCHES 25mm OR GREATER IN DIAMETER THAT ARE BROKEN AS A RESULT OF THE CONTRACTOR'S OPERATIONS SHALL BE CUT BACK CLEANLY AT THE BREAK, OR TO WITHIN 10mm OF THEIR BASE IF SUBSTANTIAL PORTION OF THE BRANCH IS DAMAGED.

ROOTS 25mm OR LARGER IN DIAMETER THAT ARE EXPOSED BY THE CONTRACTOR'S OPERATIONS SHALL BE CUT BACK CLEANLY TO THE SOIL SURFACE WITHIN FIVE CALENDAR DAYS OF EXPOSURE.

BARK THAT IS DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE NEATLY TRIMMED BACK TO UNINJURED BARK, WITHOUT CAUSING FURTHER INJURY, WITHIN FIVE CALENDAR DAYS OF DAMAGE.

CITY OF HAMILTON'S HORTICULTURIST TO BE NOTIFIED OF DAMAGE AND RESULTING REPAIRS IMMEDIATELY!

SUPPLEMENTARY WATERING WILL BE REQUIRED BY THE DEVELOPER OR THEIR AGENTS DURING AND AFTER CONSTRUCTION

SEE ATTACHED COPY OF SPEC #8 CITY OF HAMILTON TREE BY-LAW 92-155

Prohibitions
Against Injury
Or Destruction

8. No person shall, without prior written consent of the Director,

- (i) Remove, prune, disturb, cut above or below ground, or alter in any way on public property, a public tree;
- (ii) Deposit, place, store or maintain on public property any stone, brick, sand, concrete, soil or any material or equipment that may impede the free passage of water, air or nutrients to the roots of a public tree;
- (iii) Fasten any sign, bill, notice, wire, rope, nail or other object to, around or through any public tree in any manner; or around or through the stakes, posts that protect any such tree;
- (iv) Cause or permit any gaseous liquid or solid substance which is harmful or toxic to any public tree, to come in contact with any public tree on public property;
- (v) Set fire to or permit any fire to burn where such fire or the heat thereof will injure any portion of any public trees;
- (vi) Interfere with fences, boxes or other protective devices placed around any public tree;
- (vii) Alter or change soil levels on public property in the vicinity of any public tree in a manner likely to cause injury to the tree;
- (viii) Excavate any ditch, tunnel, trench, or lay any walkway or driveway on public property within the drip line of a public tree;
- (ix) Cause or permit or perform any excavation or soil disturbance or compaction on public property within the drip line of any public tree.

7

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 12

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Pro-active Enforcement of the Property Standards By-Law
on Fire Damaged Buildings (94.2.4.2.1.A, 94.4.9)

RECOMMENDATION:

That the Building Commissioner be authorized and directed to implement a pro-active enforcement program for the repair or demolition of fire damaged buildings within the City of Hamilton.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

With the downturn in the economy over the past several years, property owners are reluctant to repair buildings damaged by fire where the damages are of considerable proportions, and a number of these buildings have been boarded-up by the owners or by City forces and left in a condition which detracts from streetscapes and causes neighbourhoods to deteriorate.

Buildings left in this condition are a magnet for vandals as evidenced in the number of responses by Police, Fire, and Building Departments.

Should this recommendation be approved, it would permit the Building Department to actively negotiate immediately after a fire occurrence with insurance adjusters and owners and permit the Department to collate information on the viability of repair or demolition. It could in many cases offer assistance to the owners of the building involved in the fire situation. It would also further preserve the tax base and enhance neighbourhood appearances.

The photographs enclosed, attached hereto and marked as Appendix "A" with this report indicate the type of buildings left remaining several years after fires have occurred.

A minimum staff resource would be required to implement the inspection. Upon completion of the inspection, a list of requirements would be forwarded to the owner with the required correction deadline for repairs. Liaison and education of owners and tenants would also be an inherent component of the program, which would add to the successful acceptance by property owners. The vigorous approach to enforcing property related by-laws should be tempered with a service-oriented approach through which timeliness for compliance have been extended depending on the cost of the work and the willingness of the owner to co-operate.

Since 1977, the Department's policy for enforcing the maintenance and occupancy by-law (Property Standards By-Law) has been to deal only with problems that are brought to the Department's attention by complaint unless a health or safety hazard has been identified by other agencies.

With initiatives presently taking place for downtown improvement, such action by this Department would provide a visible example of municipal cooperation and confidence in the future of the City.

Past experiences has shown that insurance companies are cooperative in working with the Building Department to achieve a satisfactory resolution to insurance claims.

This Department is presently advised by the Fire Department of all fires occurring within the City and are presently accepting a boarded-up condition of the property leaving it entirely to the property owner as to whether or not the property is repaired or merely boarded-up to prevent trespass which detracts in many instances from the landscape on which the fire occurred as evidenced by the photographs.

BDA/sb



**DATE OF FIRE:
JULY 2, 1986**

**DATE OF PHOTO'S:
SEPTEMBER 12, 1994**

233 WELLINGTON STREET NORTH



**DATE OF FIRE:
JUNE 15, 1986**

**DATE OF PHOTO'S:
SEPTEMBER 12, 1994**



301 JAMES STREET NORTH



**DATE OF FIRE:
AUGUST 9, 1994**

**DATE OF PHOTO'S:
SEPTEMBER 12, 1994**

1052 CANNON STREET EAST



**DATE OF FIRE:
DECEMBER 17, 1987**

**DATE OF PHOTO'S:
SEPTEMBER 12, 1994**



124 WALNUT STREET SOUTH



DATE OF FIRE: JANUARY 1, 1994

DATE OF PHOTO'S: SEPTEMBER 12, 1994



241, 243, 245 WELLINGTON ST. N



DATE OF FIRE: JANUARY 20, 1992

DATE OF PHOTO'S: SEPTEMBER 15, 1994



325 - 327 BARTON STREET EAST

8

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 13

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Victoria Hall, 68 King Street East - 180-day Delay of Demolition

RECOMMENDATION:

- a) That the 180-day delay of demolition be applied to the designated property at **68 King Street East** (Victoria Hall) in accordance with the provisions of Section 34 of the Ontario Heritage Act and that the City Solicitor be authorized and directed to take the necessary action; and
- b) That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that Victoria Hall be evaluated for recognition as a National Historic Site.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

An application to demolish this designated building, and the adjacent Mackay Building at 66 King Street East (listed only) was submitted to the Building Department on August 16, 1994. Although the Mackay Building has no legal protection from demolition, the two buildings are connected on the interior and therefore are being treated as a single building, for the purposes of the demolition permit application. As a result, both buildings would be protected by the 180-day delay of demolition applicable to Victoria Hall.

The application of this 180-day delay of demolition is a standard procedure to provide the necessary time to investigate alternatives to demolition.

An action committee set up by LACAC met with the representatives of the owner, Grail Investments Ltd. (Sven Grail and realtor Jack Harvey) on September 20 to discuss the situation and take initial steps towards working out a solution satisfactory to the owner and the City (i.e. relieving the owners of their financial burden while preserving the buildings for adaptive re-use). Jack Harvey indicated that the sale of the two buildings was still an option, if an offer acceptable to the owners were to be made. Alderman McCulloch raised the possibility of the City purchasing the buildings, in anticipation of a demand for office space in close proximity to the new Hamilton Courthouse (scheduled for completion in 1996).

att.

c.c. Victor Abraham, Director of Local Planning

Nina Chapple, Architectural Historian, Planning Department

Len King, Building Commissioner

An action committee set up by LACAC met with the representatives of the owner, Grail Investments Ltd. (Sven Grail and realtor Jack Harvey) on September 20 to discuss the situation and take initial steps towards working out a solution satisfactory to the owner and the City (i.e. relieving the owners of their financial burden while preserving the buildings for adaptive re-use). Jack Harvey indicated that the sale of the two buildings was still an option, if an offer acceptable to the owners were to be made. Alderman McCulloch raised the possibility of the City purchasing the buildings, in anticipation of a demand for office space in close proximity to the new Hamilton Courthouse (scheduled for completion in 1996).

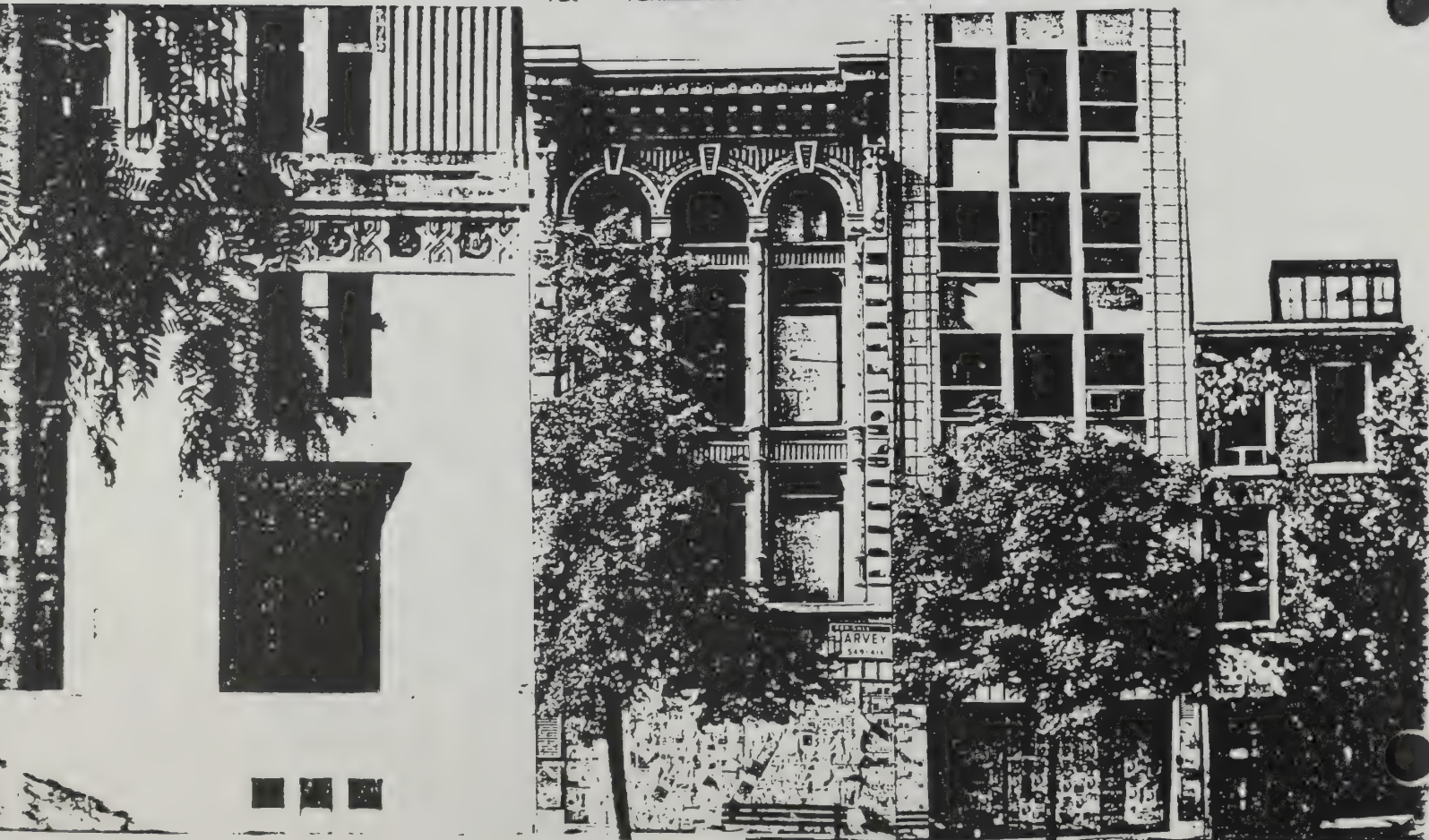
Victoria Hall
68 King Street East



VICTORIA HALL and the MACKAY BUILDING

68 and 66 King Street East

Section of composite
streetscape photograph
and detail of ornamental
terra cotta work crowning
the Mackay Building, 1992.



9

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 13

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: 113 Charles Street - Heritage Permit

RECOMMENDATION:

That a Heritage Permit be approved for the construction of a garage as depicted on the Site Plan, Floor Plan, and Elevations, attached hereto and marked as Appendix "A", at 113 Charles Street in the MacNab-Charles Heritage Conservation District.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The semi-detached stone house at 111 Charles Street and the separate registered lot at #113 were acquired by the current owners with the intention of using the ground and upper floors of the house as their private residence and the lower level as an office for their own retirement planning service. They intend only to build a garage at the rear (south-east corner) of the vacant lot at #113.

Any new construction within a heritage conservation district is subject to the heritage permit process, whereby plans must be submitted for review and approval to the District Advisory Committee, LACAC, and Council. Plans for the new garage, as presented by project architect, Rob Brough, Anthony Butler Architect, were supported by representatives of the District Advisory Committee and the Research Sub-committee at meetings held October 11. Site plan, floor plan and elevations are attached.

The remaining portion of the lot at #113 will be retained as landscaped open space with provision for 1-2 parking spaces for their business clients. NOTE: Front-yard parking is prohibited under the site-specific zoning for this property, which permits specified commercial uses with certain conditions (By-law No. 92-272).

att.

c.c. Victor Abraham, Director of Local Planning

Nina Chapple, Architectural Historian, Planning Department

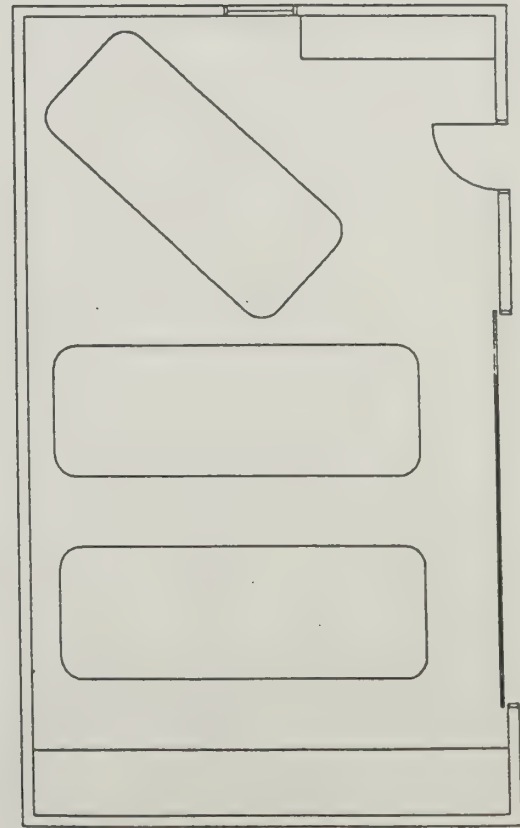
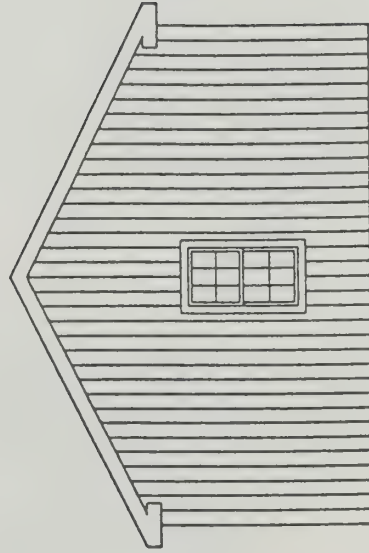
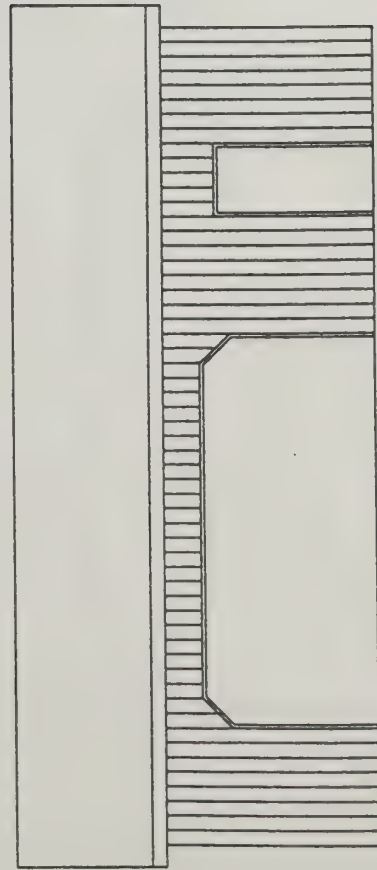
Len King, Building Commissioner

Proposed Garage for the Nelson Residence, 111-113 Charles Street

Exterior siding: board-and-batten

Garage door: overhead type (wood or metal)

Roofing: cedar or asphalt shingles



Nelson Residence
111-113 Charles Street

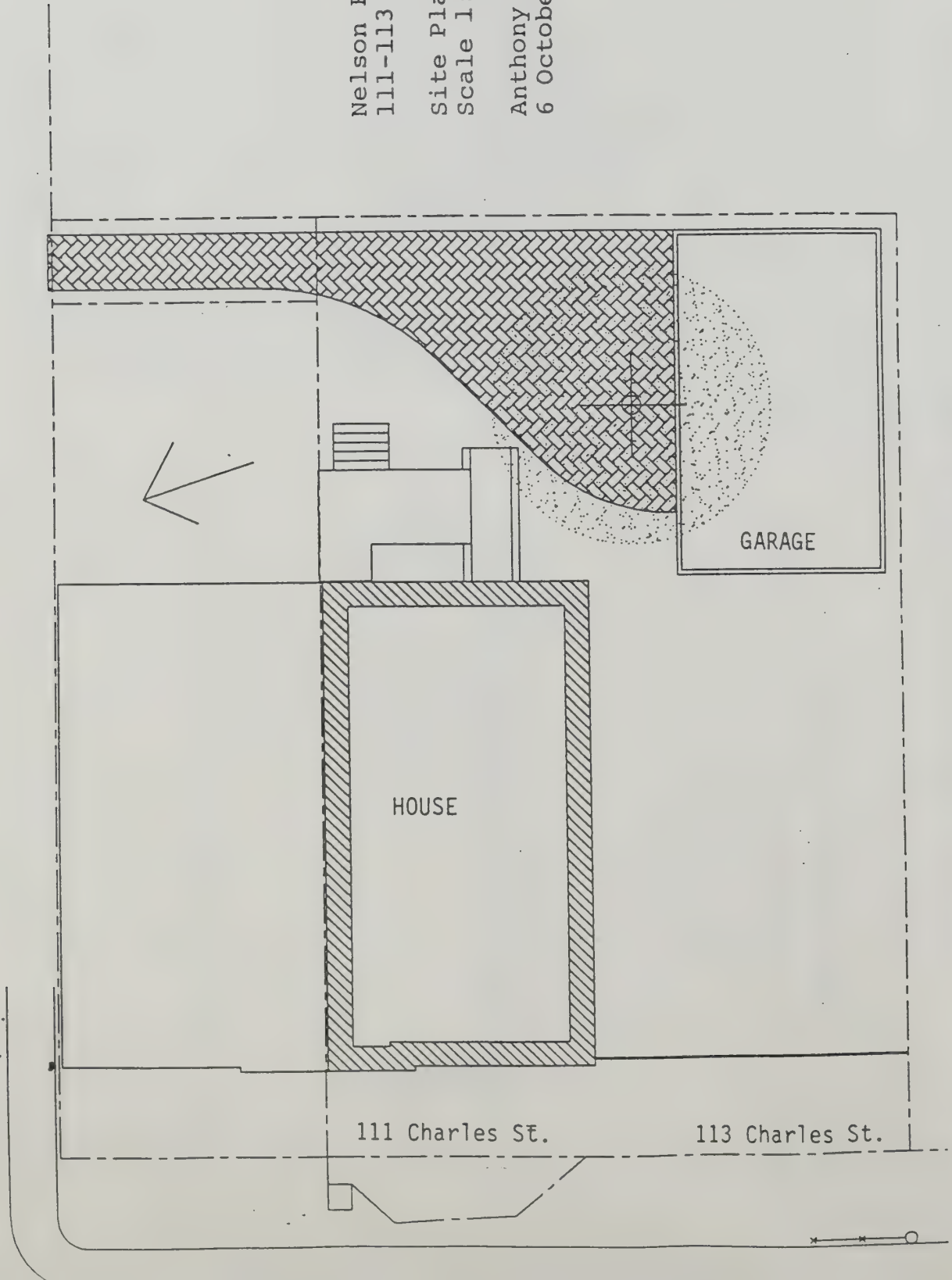
Garage Plan
Scale 1:100

Anthony Butler Architect Inc.
6 October 1994

Nelson Residence
111-113 Charles Street

Site Plan
Scale 1:200

Anthony Butler Architect Inc.
6 October 1994



CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 October 19

9:30 o'clock a.m.

Room 233, City Hall

A G E N D A

A. ADOPTION OF MINUTES

Minutes of the Planning and Development Committee for its meeting held 1994
October 5

B. BUILDING COMMISSIONER

(i) Hamilton Emergency Loan Programme - 30 Glamis Court

(ii) Hamilton Emergency Loan Programme - 49 Beach Road

(iii) Hamilton Emergency Loan Programme - 28 Case Street

C. ACTING DIRECTOR, PUBLIC WORKS DEPARTMENT

Community Improvement Programme - Downtown Hamilton Business Improvement
Area - 1994 Request

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1994 October 5
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were Present: Alderman Don Drury, Chairperson
Alderman Fred Eisenberger, Vice-Chairperson
Alderman Dave Wilson
Alderman Mary Kiss
Alderman Bob Charters
Alderman Frank D'Amico
Alderman Henry Merling
Alderman William McCulloch

A

Regrets: Mayor Robert M. Morrow (City Business)

Also Present: Alderman Dominic Agostino
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Art Zuidema, Law Department
Bob Chrystian, Public Works Department
Roland Karl, Traffic Department
Eugene Chajka, Transportation/Environmental Services
Gil Simmons, Vice-Chairperson, Central Area Plan
Implementation Committee
Charlene Touzel, Secretary

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. Official Plan Review

(a) The Need for an Official Plan Review - Comments from the Public

No members of the public were in attendance, therefore no comments from the public were received.

(b) City of Hamilton Official Plan Review - Authorization for the Preparation of a Terms of Reference

The Committee was in receipt of a report dated 1994 September 27 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter. The Committee approved the following:

That the Planning and Development Committee direct the Planning and Development Department to prepare a detailed Terms of Reference for the Official Plan Review including an outline of the issues to be studied, the timing and the cost and staffing implications.

2. Zoning Application 94-17, Frank Ricci, prospective owner, for a change in zoning from "HH" District to "DE-3" District, modified, for lands located at No. 2535 King Street East (Tabled from last Meeting)

The Committee was in receipt of a report dated 1994 September 27 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application.

Mr. Restivo, the agent representing the owner, was in attendance and asked the Committee to support the amended Zoning Application to permit use as a Residential Care Facility (retirement home).

Don Pate, 1 Orphir Road, appeared before the Committee to speak on behalf of the residents of the area. Mr. Pate indicated that the residents are not opposed to the use as a retirement home but are concerned that the use may change to a halfway house in the future.

Mr. Pate added that the residents also have some concerns regarding the entrance to the property and the traffic problems that would be created for traffic turning at the intersection of Potruff Road and King Street and suggested that the entrance be located off King Street and not Potruff Road.

Mr. Restivo advised the citizens present that their initial plans did provide for two entrances, however, at the Planning Department's request, the King Street entrance was changed. Roland Karl, Traffic Department, advised Committee Members that the Traffic Department would not support an entrance onto King Street given the existing median which would limit access to right turns only.

Alderman Eisenberger advised Committee Members that a public meeting with area residents was held and that the applicant has given his assurances that the property will be used as a retirement home. Any change in use would have to be approved by the City.

The Committee was in receipt of a letter dated 1994 October 4 from Alderman Dominic Agostino asking the Committee to disregard his letter dated 1994 September 15 that was inadvertently distributed with the agenda and advised Committee Members that he supports the zoning application.

After considerable discussion, the Committee approved the following:

That approval be given to amended Zoning Application 94-17, Frank Ricci, prospective owner, requesting a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, to permit the use of the subject land for a Residential Care Facility (retirement home) for 20 residents, for property located at 2535 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 10C.(1)(i) of Zoning By-law No. 6593, a residential care facility for the accommodation of a maximum of 20 residents being qualified Senior Citizens shall be permitted; and,
 - (ii) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line; and,
- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1334, and that the subject lands on Zoning District Map E-96 be noted S - 1334; and,

- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council; and,
- d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Zoning Application 94-23, Mike Jovanovic, owner, for a further modification to the "HH" District, for lands located at No. 2826 King Street East**

The Committee was in receipt of a report dated 1994 September 27 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter. The Committee approved the following:

That approval be given to Zoning Application 94-23, Mike Jovanovic, owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit business and professional offices, including medical, within the existing building, for lands located at No. 2826 King Street East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulation as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 87-40, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 14A(1) of Zoning By-law No. 6593, business and professional offices shall be permitted only within the existing building; and,
- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1002a and that the subject lands of Zoning District Map E-106 be noted S - 1002a; and,
- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council; and,
- d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. **City Initiative 94-D, for a general text amendment to the City of Hamilton Zoning By-Law No. 6593, respecting public Parking Lots in the Downtown Area and "CR" Districts throughout the City**

The Committee was in receipt of a report dated 1994 September 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Joanne Hickey-Evans, Planning Department, made a presentation with respect to this report.

Alderman McCulloch suggested that the Committee ~~receive~~ the report as presented but set up an Ad-hoc Committee so that Staff could meet with various interest groups to review this matter further before a recommendation is considered by the Planning and Development Committee.

The following residents were in attendance to express their concerns regarding Staff's recommendation to delete public parking lots as permitted uses in the downtown area and in "CR" (Commercial/Residential) Districts:

Greg Fraleigh, 1878 Centre Road, R.R. #2, Hamilton
Todd Fraleigh, 283 Park South, Hamilton
Don Logan, Philpott Memorial Church, 84 York Boulevard, Hamilton
Glen Chambers, 20 Hughson Street South, Hamilton
Earl Cranfield, 20 Hughson Street South, Hamilton

The Committee was also in receipt submissions from the following respecting this matter:

- a) Philpott Memorial Church - letter dated 1994 October 4
- b) Eric Grove, 188 Buckingham Drive, Hamilton - letter dated 1994 October 2

After considerable discussion, the Committee approved the following:

That an Ad-hoc Committee, consisting of representatives from the following, be established to study the Planning and Development Department's proposal to delete public parking lots as permitted uses in the downtown area and the "CR" (Commercial/Residential) Districts throughout the City:

Central Area Plan Implementation Committee
Downtown Hamilton Business Improvement Area
International Village Business Improvement Area
Real Estate Board
Hamilton Parking Authority
Owners of Parking Lots in these areas
Philpott Memorial Church
Staff (Planning, Roads, Building and Traffic Departments)
Any other individuals/groups that Staff deem appropriate

Staff were directed to set up the Ad-hoc Committee and to keep the Planning and Development Committee apprised of the progress of the same.

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

5. **Zoning Application 94-19, Proposed Draft Plan of Subdivision 25T-94004, "Tiffany" Chedoke Health Corporation, for a change in zoning from "AA" District to "C" District (Block "1"), "A" District (Blocks "2" and "4") and "R-4" District (Block "3"), Mountview Neighbourhood**

The Committee was in receipt of a report dated 1994 September 27 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee was also in receipt of a letter dated 1994 October 3 from B.J. Clarke, A.J. Clarke and Associates Ltd., agent for the owner, requesting that the proposed zoning application ZAC-94-19 and proposed draft plan of subdivision (Regional File 25T-94004) be deferred pending further discussions with the Planning and Development Department and area residents to resolve outstanding issues.

The Committee agreed to **table** this matter as the owner's request.

6. **Mountview Neighbourhood - Referral of the Official Plan Amendment and Secondary Plan to the Ontario Municipal Board**

The Committee was in receipt of a report dated 1994 September 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter. The Committee approved the following:

- (a) That City Council reaffirm its decision of 1994 July 26 to deny the application for an Official Plan Amendment for lands owned by Chedoke Health Corporation, Mountview Neighbourhood; and,
- (b) That the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.

7. **CONSENT AGENDA**

A. **ADOPTION OF MINUTES**

The Committee was in receipt of the Minutes of the Planning and Development Committee for its meeting held 1994 September 21 and these Minutes were adopted as circulated.

B. **REFERRAL FROM CITY COUNCIL**

Roomers and Boarders Task Force - Review Definition of Lodging House and Associated Definitions

The Committee was in receipt of a memorandum dated 1994 September 28 from the Secretary of the Finance and Administration Committee respecting the above-noted matter. The Committee approved the following:

That the Planning and Development Department be directed to review the definition of a lodging house and associated definitions in Zoning By-law No. 6593 in light of the recommendations of the Roomers and Boarders Task Force.

C. **SENIOR DIRECTOR - ROADS DEPARTMENT**

Sheldon Estates, Hamilton - Cash in Lieu of 5% Parkland Dedication

The Committee was in receipt of a report dated 1994 September 22 from the Senior Director, Roads Department, respecting the above-noted matter. The Committee approved the following:

That the City of Hamilton accept the sum of \$18,000. as cash payment in lieu of the 5% land dedication in connection with "Sheldon Estates", Hamilton, this being the cash payment required under Section 51 of the Planning Act. The lands of "Sheldon Estates" are located east of Garth Street on the south side of Stone Church Road West in the Sheldon Planning Neighbourhood.

D. **BUILDING COMMISSIONER**

Demolition Permit - 761 West 5th Street

The Committee was in receipt of a report dated 1994 September 21 from the Building Commissioner respecting the above-noted matter. The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 761 West 5th Street.

E. COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

Authorization for Staff Attendance at Ontario Municipal Board Hearings

The Committee was in receipt of a report dated 1994 September 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter. The Committee approved the following:

That the appropriate staff (e.g. Law, Planning) be authorized to attend the following Ontario Municipal Board hearings regarding appeals from Committee of Adjustment decisions:

Application No. A-94:24 - 366 and 368 King Street West

Application No. A-94:81 - 132 Albany Avenue

Application No. A-94:86 - 170 and 172 Simcoe Street East

Application No. A-94:155 - 86 Ward Avenue

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1994 September 28 from the Secretary, Planning and Development Committee, respecting the above-noted matter. The Committee approved the following:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- a) Information Report dated 1994 September 14 from the Secretary, Planning and Development Committee re: Committee of Adjustment Guidelines
- b) Information Report dated 1994 September 26 from the Commissioner of Planning and Development re: Approved Site Plan Control Application

8. OTHER BUSINESS

Zoning Application 94-11 - 1500 and 1502 Main Street East

Alderman Drury questioned the status of this Zoning Application and Alderman Wilson advised that he will be meeting with neighbourhood residents and will report back at a future meeting.

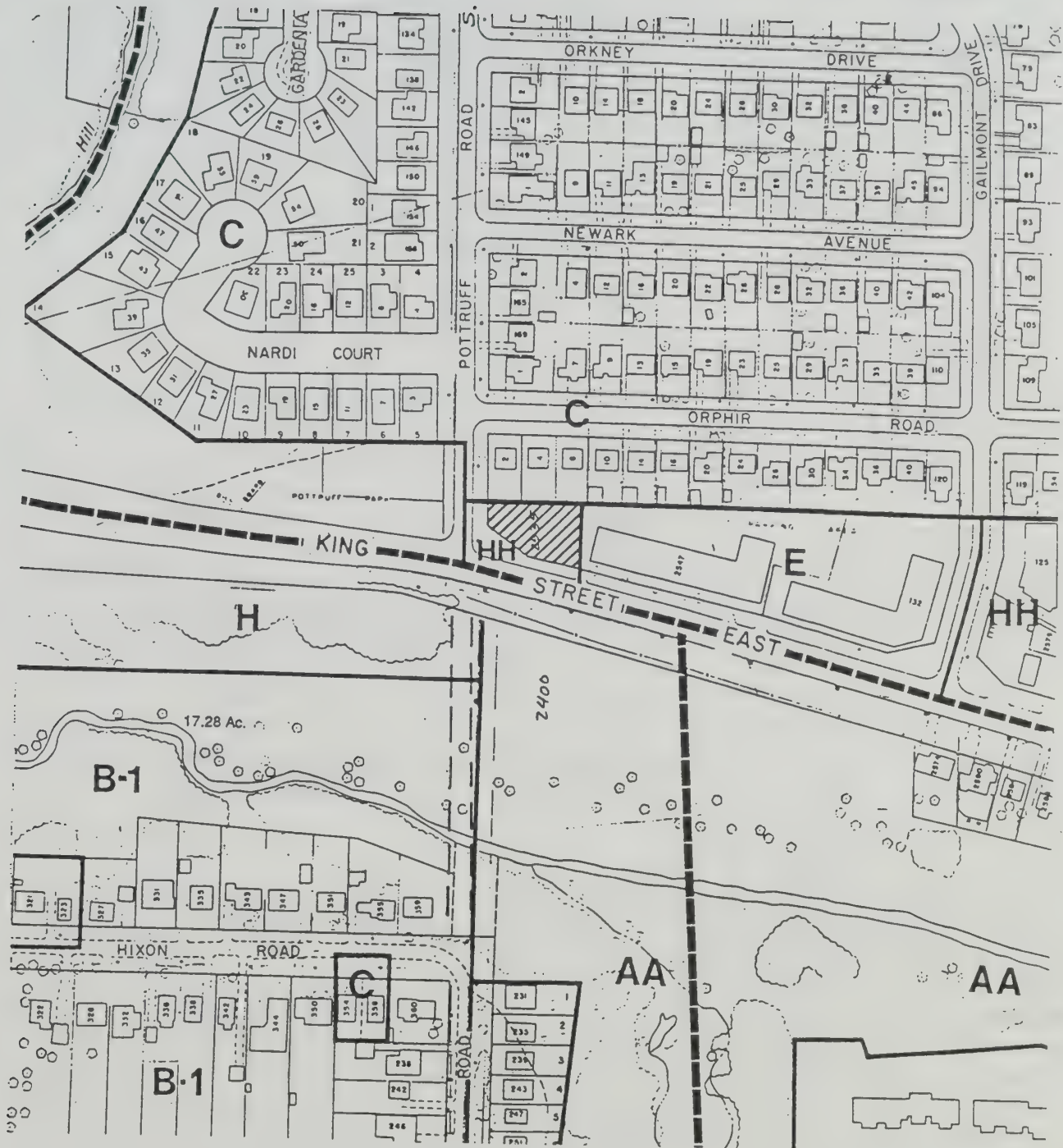
9. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

**Alderman Don Drury, Chairperson
Planning and Development Committee**

Charlene Touzel, Secretary



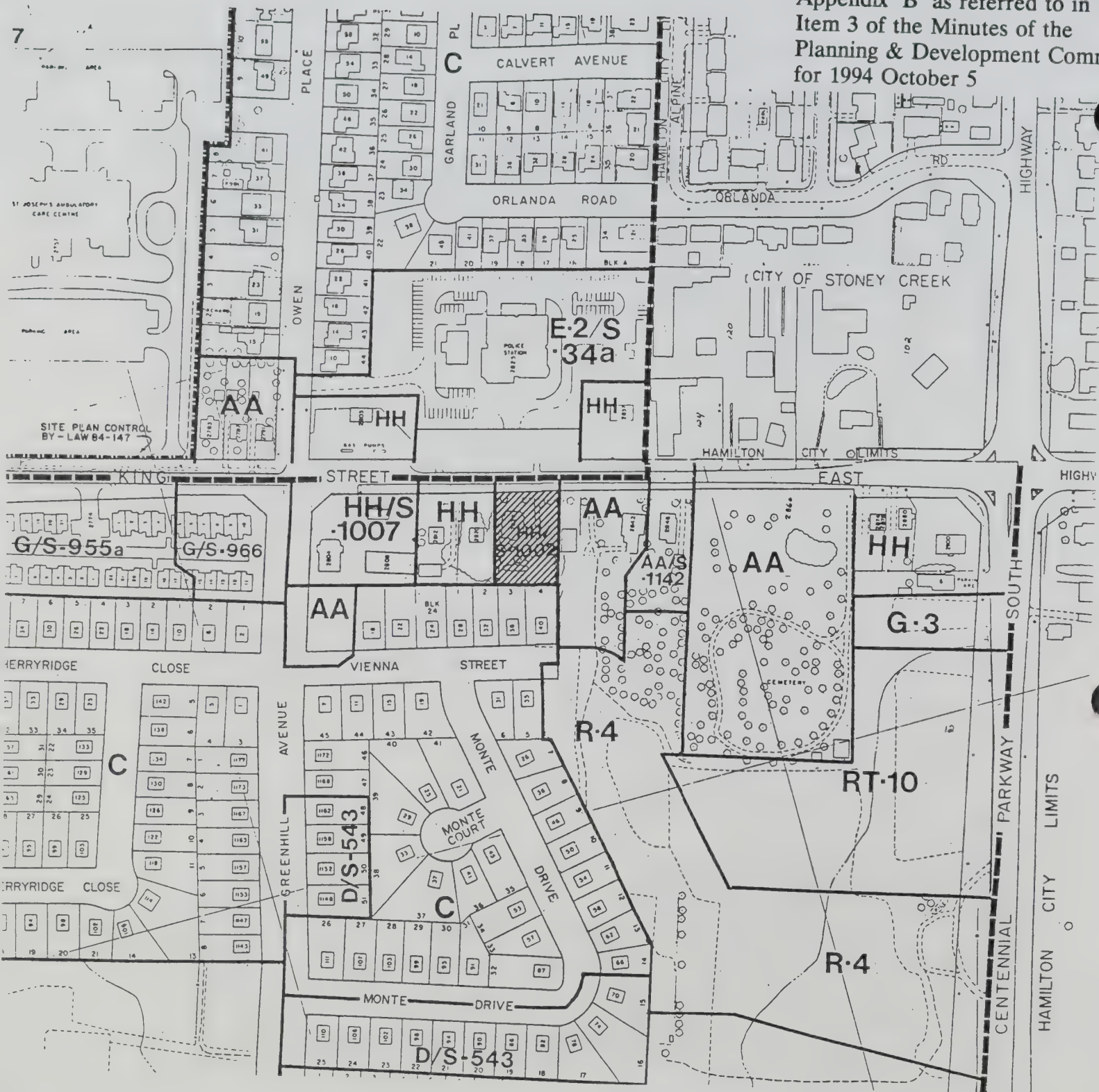
Legend



Site of the Application

ZAC-94-17

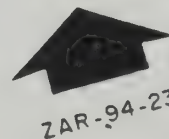
Appendix "B" as referred to in
Item 3 of the Minutes of the
Planning & Development Comm.
for 1994 October 5



Legend



Site of the Application



CITY OF HAMILTON
- RECOMMENDATION -

B(i)

DATE: 1994 October 4

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

OCT 6 1994

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
30 Glamis Court
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and ninety five dollars (\$1,995.) be approved for Zona Wright, 30 Glamis Court. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Zona Wright, 30 Glamis Court in the amount of \$1,995. The roof has been repaired, and the Department recommends approval in the amount of \$1,995. at 8% interest and amortized over five (5) years.

LCK/JHR/dc
c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(ii)

DATE: 1994 October 4

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

OCT 6 1994

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
49 Beach Road
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and sixty three dollars (\$1,563.) be approved for Vincent Arsenault and Mildred Arsenault, 49 Beach Road. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Arsenault, 49 Beach Road in the amount of \$1,563. The roof has been repaired, and the Department recommends approval in the amount of \$1,563. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(iii)

DATE: 1994 October 4

OCT 6 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
28 Case Street, Hamilton
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and thirty-one dollars (\$1,231.) be approved for Dorothy Thomas, 28 Case Street. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Dorothy Thomas, 28 Case Street in the amount of \$1,231. The drain tile has been repaired, and the Department recommends approval in the amount of \$1,231. at 8% interest and amortized over five (5) years.

LCK/JHR/dc
c.c. R. Camani, Treasury

C

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 12

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. C. Firth-Eagland
Acting Director of Public Works

SUBJECT: Community Improvement Programme (C.I.P.) -
Downtown Hamilton Business Improvement Area (B.I.A.) 1994 request

RECOMMENDATION:

That the Downtown Hamilton B.I.A.'s request for the purchase and installation of banners under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$15,400. and be financed from account number CF 5698 428705006.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City Council on 1987 January 29 approved the Department of Community Development's Capital Budget submission of \$500,000. per year for the next 5 years for a total of \$2,500,000. for the Commercial Improvement Program. The Account Number is CF 5000 428705099.

In 1992 an amount of \$50,000. was allocated within the Commercial Improvement Programme to offset maintenance expenses associated with the cleaning, storing and repairing of the banners for all the B.I.A.s. To date \$15,814.06 has been expended from this account and there is \$34,185.94 remaining. It is estimated that sufficient funds remain to maintain the banners for a further four years after which time the individual B.I.A.s will be responsible for their upkeep and maintenance.

BACKGROUND:

The Commercial Improvement Program was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.'s). Since 1987 B.I.A.'s have applied annually to the Parks Division - Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage containers and paving of alleyways.

:ME

c.c. Mr. A. Ross, City Treasurer
Mr. B. Chrystian, Manager, Parks Division

D

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 13

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- a) Information Report from Commissioner of Planning and Development and Director of Local Planning dated 1994 October 11 re: Approved Site Plan Control Applications
- b) Information Report from Chairperson, Central Area Plan Implementation Committee dated 1994 October 6 re: Public Forum Series on Downtown Hamilton
- c) Information Report from Commissioner of Planning and Development and Director of Local Planning dated 1994 October 13 re: Niagara Escarpment Conformity Zoning Exercise

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

Touzel

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure following for these matters is recorded.

The remaining portion of the lot at #113 will be retained as landscaped open space with provision for 1-2 parking spaces for their business clients. NOTE: Front-yard parking is prohibited under the site-specific zoning for this property, which permits specified commercial uses with certain conditions (By-law No. 92-272).

att.

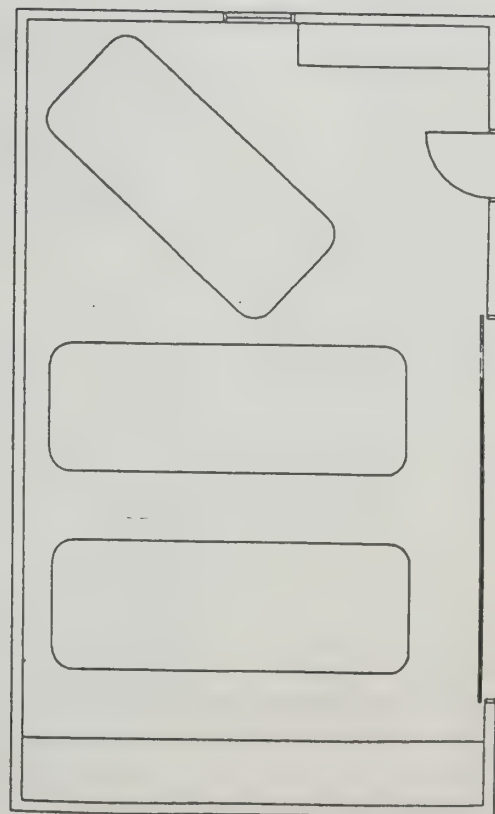
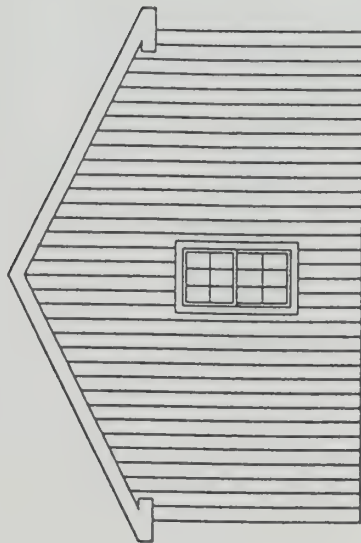
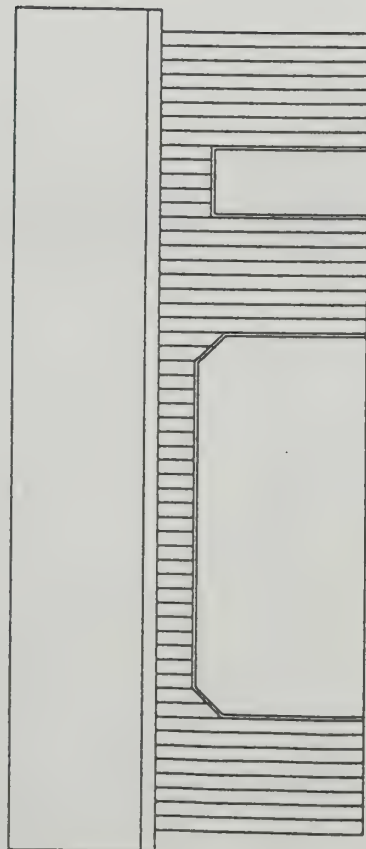
c.c. Victor Abraham, Director of Local Planning

Nina Chapple, Architectural Historian, Planning Department

Len King, Building Commissioner

Proposed Garage for the Nelson Residence, 111-113 Charles Street

- Exterior siding: board-and-batten
- Garage door: overhead type (wood or metal)
- Roofing: cedar or asphalt shingles

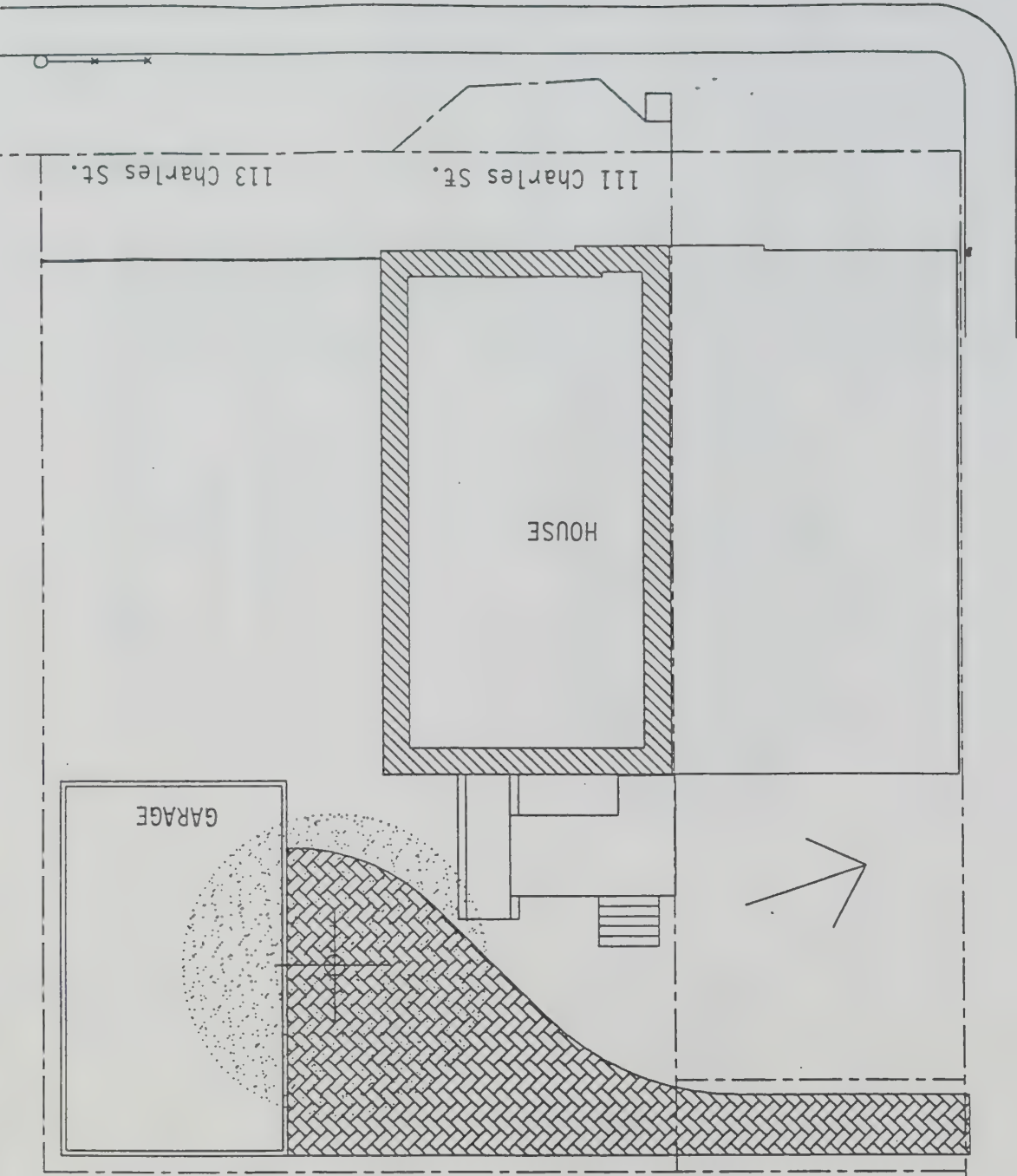


Nelson Residence
111-113 Charles Street

Garage Plan
Scale 1:100

Anthony Butler Architect Inc.
6 October 1994

Appendix "A"



Nelson Residence
111-113 Charles Street

Site Plan
Scale 1:200

Anthony Butler Architect Inc.
6 October 1994



Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

NOV 1 1994

NOTICE OF MEETING

GOVERNMENT DOCUMENTS

Planning and Development Committee

Wednesday, 1994 November 2

9:30 o'clock a.m.

Room 233, City Hall

Charlene Touzel, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. Zoning Application 94-20, Primecan Holdings Inc., prospective owner, for a change in zoning from "AA" District to "C" District, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent.
2. Zoning Application 94-25, N. Janjic and G. Kugler, owners, for a further modification to the established "H" District regulations, for lands located at 295-303 York Boulevard.
 - (a) Letter of Objection - Danica Popic, 505-151 Queen Street North
 - (b) Various Letters Supporting the Zoning Application
3. DELEGATION
 - (a) Control Access Gate - Taco Bell, Main Street West and Dundurn Street location - Michael Tucker, 75 Dundurn Street South
 - (b) Request for City Initiative - Rezoning of Property at 75 Dundurn Street South to Commercial- Mayor Morrow (no copy)

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

4. Albion Falls Modified Neighbourhood Plan Review - Authorization for a Public Information Meeting
5. Site Plan Control Application DA-93-29, D.J. Woods and Petro Canada Products, Lessee, to amend approved plans for an existing gas bar and car wash, for lands located at 999 Upper Wentworth Street
6. **BUILDING COMMISSIONER/LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**
 - (a) Demolition of 68 King Street East (Victoria Hall)
 - (b) Victoria Hall, 68 King Street East - 180-day Delay of Demolition

BUILDING COMMISSIONER

7. Hamilton Disabled Programme - Amend Conditions for Eligibility
8. Property Standards By-Law No. 74-74 - Amendments
9. **CASH-IN-LIEU OF PARKING COMMITTEE**

Cash-in-Lieu of Parking - 957 - 1009 Fennell Avenue East
10. **CONSENT AGENDA**
11. **OTHER BUSINESS**
12. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
5.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
6.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
7.	Monster Homes	1994 June 22	Building	Report Pending
8.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
9.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
10.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads Departments	Tabled Pending Report
11.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
12.	Official Plan Review	1994 October 5	Planning	Staff to prepare Terms of Reference including issues to be studied, timing and costs
13.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues

14.	Deletion of Public Parking Lots as Permitted Uses in Downtown Area and "CR" Districts	1994 October 5	Planning	Ad-hoc Committee established - Planning Department to work with various interest groups to study proposal
-----	---	----------------	----------	---

1994 October 27

1

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 20
ZAC-94-20
Jerome Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for rezoning - Lands south of Towercrest Drive,
between Upper Wellington Street and Colin Crescent

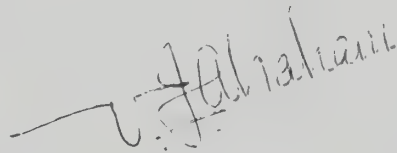
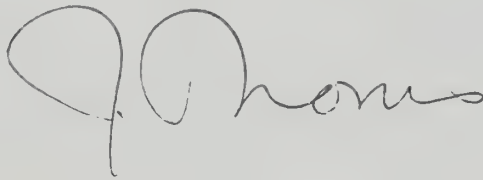
RECOMMENDATION:

1. That approval be given to ZAC-94-20, Primecan Holdings Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of the subject lands, in conjunction with the lands to the north, for single-family detached dwellings, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - b) That the Director of Local Planning be directed to prepare a by-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor and Zoning District Map E-9B for presentation to City Council; and,
 - c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands, in conjunction with the lands to the north, for single-family detached dwellings.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

BACKGROUND:

- Proposal

The applicant is requesting to rezone the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to enable the development of the subject lands, in conjunction with the lands to the north fronting onto Towercrest Drive, for single-family detached dwellings. On August 30, 1994, City Council approved the sale of the subject lands to Primecan Holdings.

- Applications to the Land Division Committee (H-46 to 49-94)

The Region's Land Division Committee, on October 4, 1994, granted four severances on the subject lands and lands to the north which would allow the creation of seven single-family lots (see APPENDIX "B"). Approval of these severances was conditional upon, amongst other things, the applicant receiving final approval of the necessary change in the zoning to permit the proposed use.

APPLICANT:

Primecan Holdings Inc.

LOT SIZE AND AREA:

The subject property has an irregular configuration with a lot area of approximately 782.11 m².

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Vacant and Townhouses	"C" (Urban Protected Residential, etc.) District and "RT-20" (Townhouse - Maisonette) District, modified
to the east, south and west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" on the approved Jerome Neighbourhood Plan. The proposal complies with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority, the Traffic Department, the Real Estate Division of the Property Department, and the Building Department have no comment or objection.

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

In conjunction with this application, we have also reviewed Land Severance Applications H-46-94 to H-49-94 inclusive. We have attached a copy of the decision of the Land Division Committee on these applications. You will note that Condition #4 of the decision states that:

"The applicant must enter into a Modified subdivision agreement with the City and Region for all severed and retained lands, to the satisfaction of the Regional Roads Department."

We recommend that as a condition of zoning approval that the applicant enter into a Modified Subdivision Agreement with the City/Region. This will ensure that there will be no residential development of these lands until all outstanding requirements of the City/Region have been met."

COMMENTS:

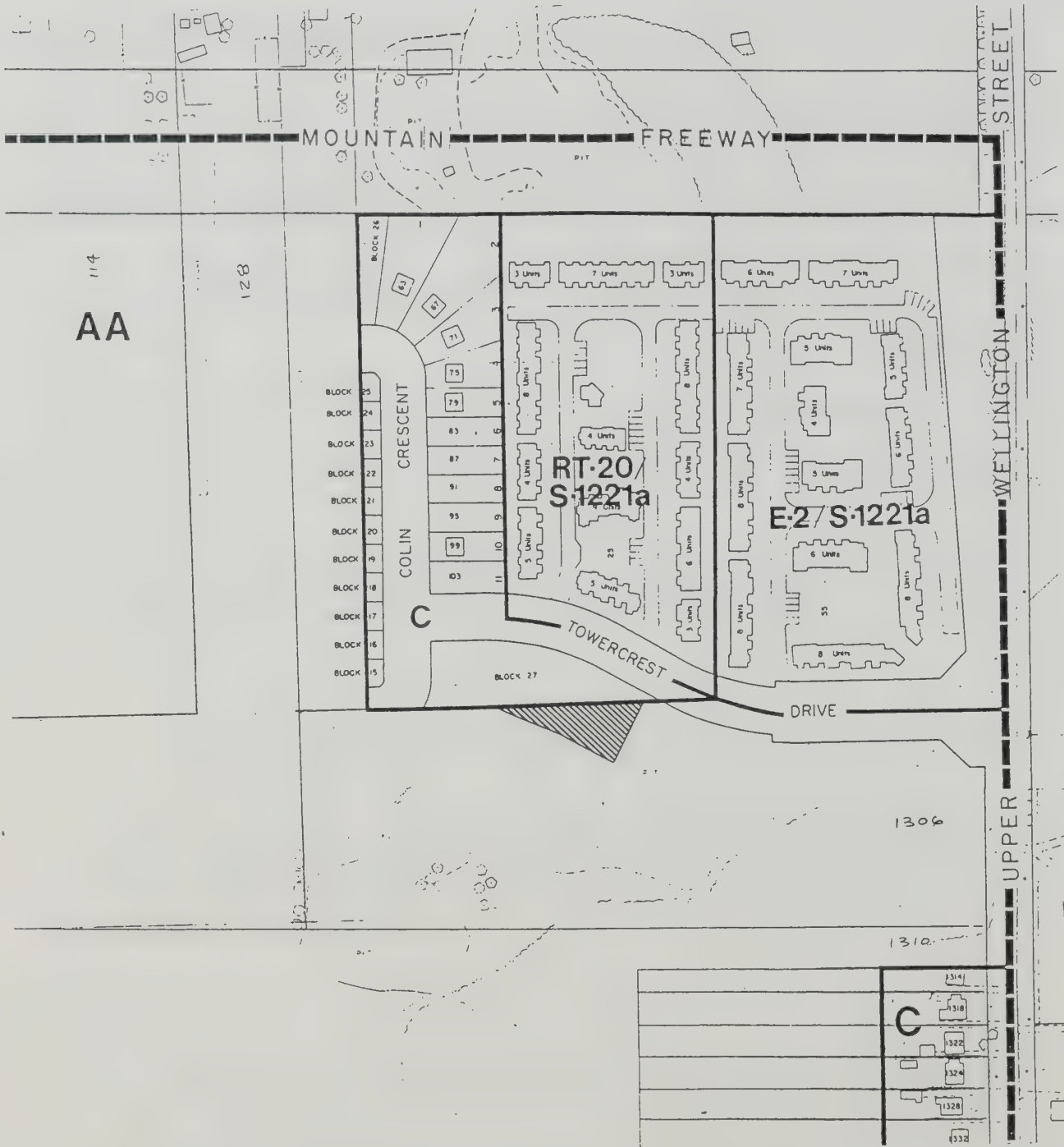
1. The proposal complies with the intent of the Official Plan and the approved Jerome Neighbourhood Plan.
2. The application has merit and can be supported on the following basis:
 - it implements the intent of both the Official Plan and the approved Jerome Neighbourhood Plan; and,

- it would be compatible with existing and proposed development to the north and west.
3. The Roads Department requests that, as a condition of zoning approval, the applicant enter into a Modified Subdivision Agreement with the City/Region to ensure that there will be no development of the lands until all outstanding requirements have been met. As noted previously, this is a condition of the land severance application and to have it also as a condition of zoning is not necessary.

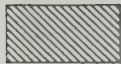
CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
94-20



Legend



Site of the Application



PLAN 62R-12639

RECEIVED AND DEPOSITED:
 1993.06.09
 C. Radley ADL
 LAND REGISTRAR FOR THE REGISTRAR
 AND THE LAND TITLES
 DIVISION OF HAMILTON (100 82)
 I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE
 REGISTRY ACT AND THE LAND TITLES ACT

DATE
 MAY 28, 1993
 LAWRENCE DAWDY

PARTS 8 TO 12 (INCLUSIVE) - PART OF PARCEL PLAN-1,
 SECTION 62M-724
 PARTS 6 TO 12 (INCLUSIVE) - SUBJECT TO AN EASEMENT AS
 SET OUT IN LT 340462

PART	LOCATION	INSTRUMENT NO.	AREA
1	LOT 13	24170 BARTON	23.55m ²
2	CONCESSION 7		74.44m ²
3	TOWNSHIP OF BARTON		138.64m ²
4			228.80m ²
5			310.08m ²

PLAN OF SURVEY OF
 BLOCK 27 - PRIMECAN ESTATES
 REGISTERED PLAN NO. 62M-724
 AND
 PART OF LOT 13 - CONCESSION 7
 GEOGRAPHIC TOWNSHIP OF BARTON
 ALL NOW IN THE
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE 1:500
 B. J. CLARKE O.L.S.
 1993

PLAN 62M-724
 BLOCK 12
 LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

COLIN CRESCENT
 ESTABLISHED BY PLAN 62M-724
 TOWERCREST DRIVE
 ESTABLISHED BY PLAN 62M-724
 UPPER WELLINGTON STREET (TO LINERIDGE ROAD E.)
 PART 1 PLAN 62R-11737
 PART 2 PLAN 62R-11737
 PART 3 PLAN 62R-11737
 PART 4 PLAN 62R-11737
 PART 5 PLAN 62R-11737
 PART 6 PLAN 62R-11737
 PART 7 PLAN 62R-11737
 PART 8 PLAN 62R-11737
 PART 9 PLAN 62R-11737
 PART 10 PLAN 62R-11737
 PART 11 PLAN 62R-11737
 PART 12 PLAN 62R-11737
 PART 13 PLAN 62R-11737
 PART 14 PLAN 62R-11737
 PART 15 PLAN 62R-11737
 PART 16 PLAN 62R-11737
 PART 17 PLAN 62R-11737
 PART 18 PLAN 62R-11737
 PART 19 PLAN 62R-11737
 PART 20 PLAN 62R-11737
 PART 21 PLAN 62R-11737
 PART 22 PLAN 62R-11737
 PART 23 PLAN 62R-11737
 PART 24 PLAN 62R-11737
 PART 25 PLAN 62R-11737
 PART 26 PLAN 62R-11737
 PART 27 PLAN 62R-11737
 PART 28 PLAN 62R-11737
 PART 29 PLAN 62R-11737
 PART 30 PLAN 62R-11737
 PART 31 PLAN 62R-11737
 PART 32 PLAN 62R-11737
 PART 33 PLAN 62R-11737
 PART 34 PLAN 62R-11737
 PART 35 PLAN 62R-11737
 PART 36 PLAN 62R-11737
 PART 37 PLAN 62R-11737
 PART 38 PLAN 62R-11737
 PART 39 PLAN 62R-11737
 PART 40 PLAN 62R-11737
 PART 41 PLAN 62R-11737
 PART 42 PLAN 62R-11737
 PART 43 PLAN 62R-11737
 PART 44 PLAN 62R-11737
 PART 45 PLAN 62R-11737
 PART 46 PLAN 62R-11737
 PART 47 PLAN 62R-11737
 PART 48 PLAN 62R-11737
 PART 49 PLAN 62R-11737
 PART 50 PLAN 62R-11737
 PART 51 PLAN 62R-11737
 PART 52 PLAN 62R-11737
 PART 53 PLAN 62R-11737
 PART 54 PLAN 62R-11737
 PART 55 PLAN 62R-11737
 PART 56 PLAN 62R-11737
 PART 57 PLAN 62R-11737
 PART 58 PLAN 62R-11737
 PART 59 PLAN 62R-11737
 PART 60 PLAN 62R-11737
 PART 61 PLAN 62R-11737
 PART 62 PLAN 62R-11737
 PART 63 PLAN 62R-11737
 PART 64 PLAN 62R-11737
 PART 65 PLAN 62R-11737
 PART 66 PLAN 62R-11737
 PART 67 PLAN 62R-11737
 PART 68 PLAN 62R-11737
 PART 69 PLAN 62R-11737
 PART 70 PLAN 62R-11737
 PART 71 PLAN 62R-11737
 PART 72 PLAN 62R-11737
 PART 73 PLAN 62R-11737
 PART 74 PLAN 62R-11737
 PART 75 PLAN 62R-11737
 PART 76 PLAN 62R-11737
 PART 77 PLAN 62R-11737
 PART 78 PLAN 62R-11737
 PART 79 PLAN 62R-11737
 PART 80 PLAN 62R-11737
 PART 81 PLAN 62R-11737
 PART 82 PLAN 62R-11737
 PART 83 PLAN 62R-11737
 PART 84 PLAN 62R-11737
 PART 85 PLAN 62R-11737
 PART 86 PLAN 62R-11737
 PART 87 PLAN 62R-11737
 PART 88 PLAN 62R-11737
 PART 89 PLAN 62R-11737
 PART 90 PLAN 62R-11737
 PART 91 PLAN 62R-11737
 PART 92 PLAN 62R-11737
 PART 93 PLAN 62R-11737
 PART 94 PLAN 62R-11737
 PART 95 PLAN 62R-11737
 PART 96 PLAN 62R-11737
 PART 97 PLAN 62R-11737
 PART 98 PLAN 62R-11737
 PART 99 PLAN 62R-11737
 PART 100 PLAN 62R-11737

CAUTION:
 THIS PLAN IS NOT A PLAN OF SUBDIVISION AND
 THE MEANING OF THE PLANNING ACT
 METRIC:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

FILE NOS.:
 H-46-94
 H-47-94
 H-48-94
 H-49-94
 DATE: SEPT. 2, 1994

LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

LANDS TO BE SEVERED 389.3m² (H-47-94)
 LANDS TO BE SEVERED 395.33m² (H-48-94)
 LANDS TO BE SEVERED 390.68m² (H-49-94)
 LANDS TO BE SEVERED 391.35m²
 LANDS TO BE SEVERED 440.19m²
 LANDS TO BE SEVERED 446.75m²

2

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 24
ZAR-94-25
Strathcona Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Request for a further modification in zoning - No. 303 York
Boulevard

RECOMMENDATION:

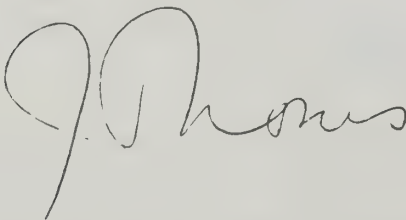
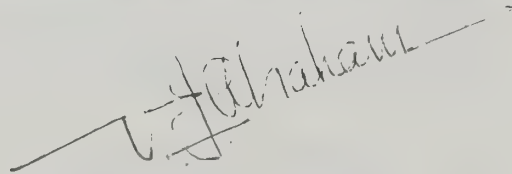
1. That Zoning Application 94-25, Ned Janjic and Gerda Kugler, owners, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a billiard room, on the second floor of the existing building, as a permanent use, for lands located at No. 303 York Boulevard, as shown on the attached map marked as Appendix "A", be **DENIED** for the following reason:
 - a) Approval of the billiard room, on a permanent basis, after an insufficient length of time for the community to evaluate the effect on the neighbourhood, conflicts with the intent of the Ontario Municipal Board Decision to dismiss an appeal, respecting the subject lands, dated May 3, 1994.
2. That approval be given to an amended Zoning Application 94-25, Ned Janjic and Gerda Kugler, owners, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a billiard room on the second floor of the existing building as a temporary use, for a further three year period, for lands located at No. 303 York Boulevard, as shown on the attached map marked as Appendix "A", on the following basis:

- a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-laws Nos. 83-192 and 94-008 applicable to the subject lands, be further modified in accordance with Section 39 of the Planning Act, R.S.O., 1990, to permit the temporary use of the subject lands for a billiard room, only on the second floor of the existing building, for a further maximum period of three years;
- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-831b, and that the subject lands on Zoning District Map W-12 be notated S-831b;
- c) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
- d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations, for property located at No. 303 York Boulevard, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the established billiard room on the second floor of the existing commercial building, as a temporary use, for a further period not to exceed three years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit a billiard hall as a permanent use, on the

second floor only, of the existing commercial building. The applicant has recently established an up-scale recreational billiard hall, which is currently permitted as a temporary use. It is noted that the establishment has been in operation for approximately 2 1/2 months.

- By-law 83-192

On June 29, 1983, City Council passed By-law 83-192 which modified the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to the lands at 303 York Boulevard. This By-law permits a public hall (banquet hall) having a maximum capacity of 171 persons within the existing building.

- By-law No. 94-008

At the Planning and Development Committee meeting of November 24, 1993, the Planning and Development Department made a recommendation to deny Zoning Application 93-33, for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit a billiard hall on the second floor of the existing commercial building, for the subject lands, for the following reasons:

- i) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms, penny arcades, etc. from the "H" District due to nuisance factors and spill-over effects associated with such uses (i.e. loitering, noise, parking on adjacent residential streets);
- ii) The subject lands are in close proximity to two schools (i.e. Hess Street Public School and Sir John A. MacDonald Secondary School);
- iii) There is an adequate supply of lands within the city that are appropriately zoned for the proposed use (i.e. "G-1", "G-2", "HH", "I", "J", "K" and "M-13" Districts);
- iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- v) It conflicts with Council adopted policy, in that similar applications (ZA-90-10, ZA-91-80) to permit a penny arcade and a billiard hall at 314-318 Queenston Road, as well as another similar application (ZA-91-11) to permit a billiard room on the lands located at 324 Queenston Road, were denied.

A motion was placed on the floor to allow the application, on a temporary basis for one year. The motion was defeated on a tie vote. The above recommendation of the Planning Department was then placed on the floor, but was also defeated on a tie vote. Consequently, the Planning Department's recommendation for denial went forward to Council. However, Council resolved to approve the application, as a temporary use for a one year time period. By-law No. 94-008 was subsequently passed on January 25, 1994, allowing the proposal for a maximum period of one year.

An appeal was received to By-law No. 94-008 and the matter was referred to the Ontario Municipal Board. The Board heard a motion on May 3, 1994, put forward by the applicant, in accordance with Section 34(25) of the Planning Act R.S.O., 1990, for dismissal of the appeal without a full hearing. The motion was allowed and the appeal was dismissed without a full hearing. The basis of the Board's decision was that no concrete evidence was presented at the dismissal hearing in favour of the appeal, and that the By-law was only for a one year time period, after which the community would have the opportunity to review the impacts of the billiard establishment.

However, since the Board was not requested to consider an amendment to the By-law to extend the time period, the temporary use By-law will expire one year from the day it came into force, on January 25, 1995. In this regard, the temporary use approval was effectively reduced to approximately 8 months. Consequently, given the time required for renovations and preparations, the applicant has only recently been able to open the billiard establishment and the temporary approval will soon expire.

LOT SIZE AND AREA:

- 53.39 m (191.6 ft.) of lot frontage on York Boulevard;
- 31.72 m (104.07 ft.) of lot depth; and,
- 1270.68 m² (13,678 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Commercial, including billiard hall on 2nd floor	"H" (Community Shopping and Commercial, etc.) District - Modified.
<u>Surrounding Lands</u>		
to the north	Commercial	"H" (Community Shopping and Commercial, etc.) District - Modified.
to the south	Commercial	"H" (Community Shopping and Commercial, etc.) District - Modified.

to the east	Commercial	"H" (Community Shopping and Commercial, etc.) District - Modified.
to the west	Commercial and Residential	"H" (Community Shopping and Commercial, etc.) District - Modified.

OFFICIAL PLAN:

The subject lands are designated **COMMERCIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The **EXTENDED COMMERCIAL** category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "**COMMERCIAL**" on the approved Strathcona Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comment or objection:
 - Traffic Department;
 - Hamilton Region Conservation Authority; and
 - Building Department.

- the Licence Division of the City Clerk's Department has advised that:

"...we supported the original application. To date, we have not received any complaints regarding this property and, therefore, have no further comments regarding the application."

- the Regional Roads Department advises that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to our records, the Region previously acquired the required road allowance widenings on York Boulevard.

The designated road allowance width of Queen Street is 26.21 m. In accordance with this designation, the applicant should be advised of a further road allowance widening on Queen Street of approximately 3.0 m to establish this width.

Comments from the City of Hamilton Traffic Department with respect to access and parking should be considered.

Any other works which may occur within the adjacent road allowances must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

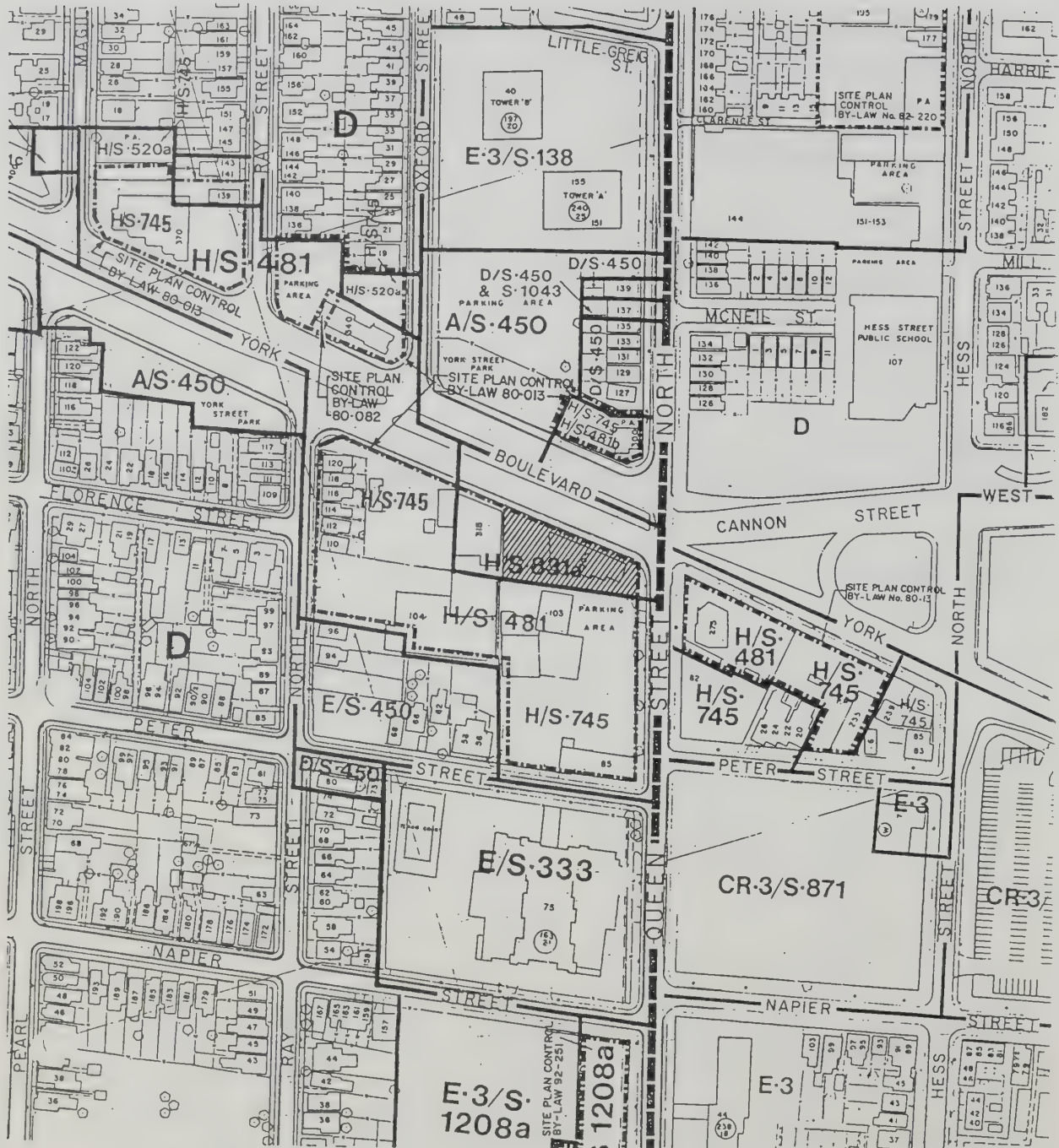
1. The proposal does not conflict with the intent of the City of Hamilton Official Plan or the Approved Strathcona Neighbourhood Plan.
2. The application, as submitted can not be supported for the following reasons:
 - The Ontario Municipal Board dismissed an appeal to By-law No. 94-008 on May 3, 1994, on the basis that the approval was only temporary and that the community would have an opportunity to review and evaluate any problems associated with the billiard room upon renewal of the temporary use By-law. However, due to time delays associated with the appeal, the one year time period will expire early in 1995 and the establishment has only recently opened. Consequently, there has been insufficient time to evaluate the situation. In this regard, approval of the billiard room on a permanent basis would conflict with the Board's decision.

3. Notwithstanding comment 2. above, consideration could be given to an amended Application to permit the billiard room for a further three year temporary period. This would provide for a sufficient time period for the billiard operation to become well established; and consequently an appropriate evaluation of the impacts on the neighbourhood could be undertaken.
4. To be consistent with By-law 94-008 and to minimize potential impacts on the neighbourhood, the billiard establishment should be limited to the second floor only of the existing building.

CONCLUSION:

Based on the foregoing, the application as submitted should be denied. However, an amended application for a temporary use By-law can be supported.

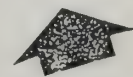
CL-M



Legend



Site of the Application



ZAR-94-25

505-151 Queen St.N
HAMILTON, ONT
CANADA
L8R 2V7

2a ZAR 94-25

October 18, 1994

Secretary, Planning & Development Committee
City Hall of Hamilton

OCT 20 1994

Dear Secretary:

Regarding the property located at No. 295-303 York Boulevard (temporary billiard),

I would like it to not permanently be established as a billiard place.

I feel the community would benefit more if, at a later point in time, the

property was used as a commercial shopping establishment (e.g. discount food store or discount goods store. This would benefit a more broader range. of people and would also contribute to the community in a very positive way (many of us community members are on very tight budgets).

Sincerely,

Danica Popic

Danica Popic

2b

To: Secretary of Planning & Development
Committee
City Hall
711 Main St. West

Re: File # ZAR-94-25
Billiard Hall Application

I would strongly support
the continuation of Boulevard Billiards
I & one of my business partners
have been impressed by the
quality of service that we have
received in our recreational
pursuit of billiards. As well I
am encouraged by the multi-
cultural clientele that appears
to be enjoying this facility.

I believe that anything that
encourages & supports small
business in this core area
of our city is critical for
our future development &
growth.

Please do not hesitate
to contact me for further
clarification if needed.

C. R. Lang
E. R. Lang
25 South Oval
Hamilton L8S 1P7

Secretary of
Planning & Development
Committee

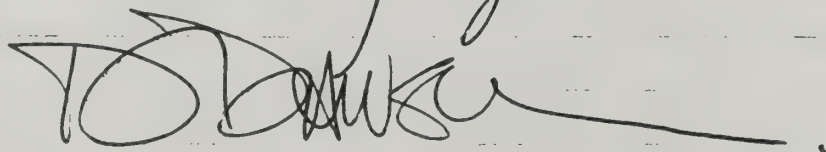
File # ZAR-94-25.

Oct 20/94

Dear Local politicians,

Your city of Hamilton
has fallen apart. Power of
Sale signs flourish
downtown. It would
constitute a self-destructive
insanity to not renew
the licence of a
thriving business:
Boulevard Billiards.

Sincerely Yours.



D. DAWSON M.D. FRC.P.
Professor McMaster

SECRETARY
Planning and Development Committee
City Hall
71 Main St. W

Re: File # ZAR-94-25

I am aware the license renewal for Boulevard Billiards on York ~~Rd~~ Blvd. in Hamilton. I feel that this is the nicest billiard hall in the Hamilton-Wentworth region. I play there every day and the environment is also the best ground. I would very much miss playing pool there and it would make no sense to close them down because it is a very respectable place.

Sincerely,
Steve Wade
9 Crystal Court
Dundas, Ont.
628-6689

Stephen Wade

Secretary of Planning & Development Committee

Regarding Boulevard Billiards and their Billiard Hall Application, I would like to see this establishment continue and do well. The staff are professional friendly and courteous and thusly this business is thriving.

A class business such as this should be allowed to continue.

Sincerely

Joe Melnick

Joe Melnick
150 Strathcona Ave N
Hamilton Ont.

Secretary of the Planning & Development Committee
City Hall
71 Main St W

Re: File # ZAR-94-25
Billiard Hall Application

Dear Sir or Madam:

It is my understanding that Boulevard Billiards at 303 York Boulevard are applying for a re-zoning and permanent operating licence. It is also my understanding that there have been some objections to this, although I have never heard that any of these objections have any definite basis. As a resident of the neighbourhood and a regular patron of Boulevard Billiards, I am disturbed by this process of rejection by innuendo. Boulevard Billiards is a pleasant, quiet, and adult billiard hall. The owner has expressed to me his desire to maintain Boulevard as an attractive, upscale establishment. As it is located above a restaurant, banquet hall & variety on a busy thoroughfare, I fail to see how Boulevard Billiards continued operation can be anything but an asset to the area.



MS. JANE RUDGE
150 Strathcona Ave N.
526-8123

Secretary of Planning + Development Committee
City Hall
71 Main Street West

File # ZAR -94-25
Billard Hall Application

I find the Billard a very clean ~~atomp~~ atmosphere,
and good management, and a clean crowds. I wood
like to see ~~the~~ the Billard stay open. A renewal
would be much appreciated.
Thank You.



GEORGE VERGOS
44 SANDERS BLVD.

Secretary of
Planning & Development
City Clerks Dept.
City Hall
ZAR - 94 25

I Paul Raposo being a
resident in Ward 1 regularly
visit Boulevard Billiards on the
corner of Queen and York Blvd.
This establishment is top notch,
clean, and very well managed.

As an observer of the sign
posted declaring a renewal of zoning
to keep the pool hall open, I
personally would like to see it
stay open.

71 CROOK ST N
Hamilton, Ont

Paul Raposo

Thursday

Oct 20/94

Dear Secretary of planning: File # ZAA-94-25

I write you this letter to let you know that Boulevard Billards is a good place for people to come and spend their spare time playing pool. It's a good community. We like it, there's no trouble in the place. In the future I hope this place will increase bigger. All we have to say is Boulevard Billard is a good place to be. Lots of nice people come in and out, good service, nice manager and it's very clean. We hope this place will always be here in the next generation.

Thank you:

Sokoeun Sam
Lem Brown

Sokoeun Sam
Lem Brown

~~10/20/94~~

150 Sanford Ave. N.

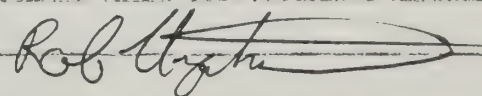
Secretary
Planning + Development Committee
City Hall
71 Main St. W

RE: File # ZAR-~~344~~ 94-25 [Billiard Hall Application]

As a resident of the Ward 7 area, specifically
170 Florence St. I would like to express
my support for the Billiard Hall Application.

I believe this Hall is a well organized,
clean, peaceful (troublefree!) establishment.

Friends from other areas of the city have
expressed to me that the Hall is one of
the best in the city. I would be very
dissappointed to not see their license renewed.

Sincerely
Rob Urquhart
170 Florence St


Secretary Planning and
Development Committee
City Hall
71 Main St. W
File # ZAR 94-25

Pool is becoming a very popular sport and pastime. Myself being a avid billiard player have found Boulevard Billiards to be a great place to play. These days it's hard to find a decent club or center with a warm comfortable atmosphere and great management. I would much appreciate a renewal of licence and zoning for this establishment.

Thanks

Steve Jones
101 Melrose Ave
Hamilton, Ont

Steve Jones

SECRETARY OF
PLANNING & DEVELOPMENT
COMMITTEE
CITY HALL
71 MAIN ST. W.

RE. / FILE # ZAR-94-25

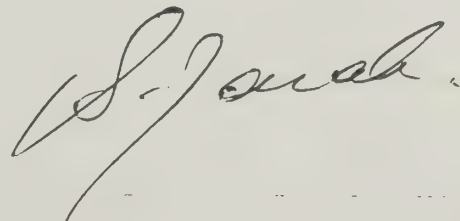
BILLIARD HALL APPLICATION

DEAR SIR / MADAM;

THIS LETTER IS TO INFORM
YOU THAT I AM IN TOTAL SUPPORT
OF THE BILLIARD PARLOUR AT
303 YORK BLVD. FOR HOW PRESTIGIOUS
IT IS.

Sincerely yours

S. ZARAC



195 OTTAWA ST. S.
HAMILTON - ONT.
L8K 2E7.
PHONE 547-4883

Secretary of Planning
& Development

Andrew Jones

File ZAN-94-25

Andrew Jones
272 Bold St.
Hamilton, ON
L8W 1P2

Boulevard Billiards is a clean, respectable
establishment. It is comfortable and extremely
well kept.

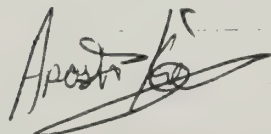
To whom it may concern

City Clerks Dept
City Hall
File # ZAR-9925

I am a customer at "Boulevard Billiards".
I think the establishment is the absolute
best pool hall in Hamilton. The people are
friendly, the atmosphere is excellent and the
hall itself is very clean. The Billiard is an
excellent passtime for me and alot of my friends
who also live in the area. I'm very positive
about the future at "Boulevard Billiards" and
the wonderful people who run this excellent
establishment. The longer this pool hall runs
the better I play, hopefully for years to
come.

yours truly

Apostolos Kerasmidas



148
Tel# 577-9030 Bayst W. Hamilton. Ont.

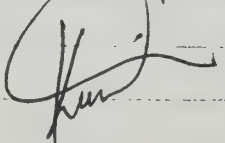
Secretary
Planning & Development Committee
City Hall

71 MAIN ST W

RE: FILE # 242-94-25

BILLARD HALL APPLICATION

I am College Student who spent my spare time playing pool in the cleanest Billard hall in the city. The staff of this Billard hall are the nicest people. They run this place in a clean environment. I am going to give my full support for Boulevard Billard to ~~renew~~ ~~their~~ licence.

Thank You


74 Oxford ST.

Secretary of Planning &
Development Committee
City Hall
71 Main St. West

File # ZAR - 94 - 25
Billiard Hall Application

Boulevard Billiards is a very clean, respectable and well managed establishment. I would like to see a license renewed because Boulevard Billiards is a great place that keeps people out of trouble. Boulevard Billiards enhances the look of the neighbourhood and brings money to the community. It would be a great injustice if this license is not renewed.

DION SCHULZ

115 STRATHMORE AVE APT 2

HAMILTON ONTARIO

L8C 3C1

577-0841

Dion

To Secretary of planning &
Development Committee
City Hall
71 Main St. W.
File # ZAR-94-25
Billiard Hall Application

This is the great place for me because it's the best locations and it's close to my house. Every time I want to ~~meet~~ my friends I just ~~could~~ call them to meet me in the Billiard Hall, I really like this place.

Haem Yon
40 Oxford St. #1402
905-528-8237
Daphne

TO
Secretary of planning & Development
City Hall
71 Main Street West
File # Zar-94-25
Billard Hall Application
Committee.

I am full support to keep this pool hall open.
It is a nice and clean and the employees
are very nice.
It is good for small bussiness to the area.
When the owner get there feet on the
ground they will hire new employees,
that bring down the employment in
Hamilton which is good.
I visit the pool hall 2 or 3 times
a week and have not seen any
wrong doing's (booze & drugs & fights).

Terry Weisgerber
37 - Caroline St N
Hamilton ont.
L8R-2R6.

THE REASON I LIKE THIS BILLIARDS IS
BECAUSE IT'S A GOOD ENVIRONMENT -N- THE
PEOPLE ARE NICE -N- FRIENDLY -N- IT'S
IN VERY GOOD HANDS OF A SMART MAN!

Jason Rivard
JASON RIVARD
151 QUEEN ST N #904

SECRETARY OF PLANNING -N- DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN ST W

FILE # ZAR-94-25
BILLIARD HALL APPLICATION

Boulevard Billiards.

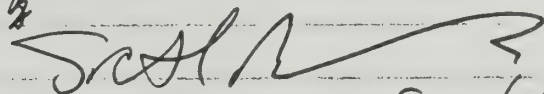
- Courteous staff
- Clean environment.
- Good tunes.
- Best place in town to play pool

Secretary of Planning
and Development Committee
City Hall
71 Main St. West
File # ZAR-94-25



Rob Konowalchuk. (235 E. 22nd St.)





SCOTT MANNERS (647 Fennel Ave. E.)

City Clerk Dept.
City Hall
file # ZAR 9425

To whom it may concern,

I just moved to this area (from Oakville) and I've
had not many friends. But ever since I came to
Boulevard Billiards, I've met many new faces
and have become their friends. So I hope this
one pool hall stays open for very long time.

Thank-you.
~~Ray Guyer~~
Ray Guyer.

151

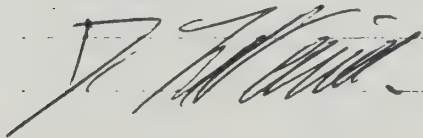
Queen St. N.

File # ZAR-94-25

TO WHOMEVER IT MAY CONCERN.

PLEASE ACCEPT THIS
NOTE AS SUPPORT OF
BOULEVARD BILLIARDS LICENSE
RENEWAL APPLICATION.

DOUG LERAY
349 HENKINER
HAMILTON



Secretary of Planning
and Development Committee
City Hall

71 Main St. W

File # ZAR-94-25

Billiard Hall Application

Secretary of Planning & Development
Committee.

City Hall

71 Main St. West

File # ZAR 94-25

Billard Hall Application

I am writing in regards to the further operation of Boulevard Billiards. I am very much in support of them having their license renewed. Boulevard Billiards is a very hospitable and respectable place. The staff is very friendly and I would truly miss coming here if I was told I couldn't. I hope you will grant them their license and keep all the people who come here as happy as we have been so far.

Very truly & sincerely,

Eva Morse

EVA MORSE

251 Mac Nab St. N

Ham. Ont.

L8A 8 2K1

F-1C# ZAN-94-25

Kevin Chamberlain
94 Ray St N.
Hamilton, Ont

Secretary of Planning & Development Committee
City Hall
21 Main Street West

To who it may concern:

I feel that the York Billiard hall is one of the finest pool halls I have ever been in Hamilton. The facilities are clean and respectful. The people that I have encountered, both as the employees and the customers, have been friendly and have never caused me any trouble. I've never seen, or do I believe, that any trouble occurred in the surrounding area of the pool hall could be caused by people just out playing a fun game of pool. This pool hall should not be forced out of a area that obviously enjoys the game. I hope the few don't ruin it for the many.

Sincerely
Kevin Chamberlain
Kevin Chamberlain

Secretary
Planning + Development Committee
City Hall
71 Main St. W.
File # ZAR-94-25
Billiard Hall Application

I think the licence should be renewed because it's a nice place to hang out instead of rooming the where the kids could get into trouble. It's a nice clean respectable establishment.

267 Hughson Hamilton Ont.
Lenny Biggs

Secretary of Planning and
Development Committee

City Hall
71st Main Street West

File # ZAR - 94 - 25
Billiard Hall Application

I am writing in support of
Boulevard Billiards' application to
continue their operation. It is a very
classy and respectable establishment.
It would be a great loss to our
community if it ceased to operate.

Sincerely Yours

Robert Kun

Robert Kun
251 Macnab Street North
L8L 1K2

Secretary of Planning &
Development Committee
City Hall
71 Main Street West

> File ZA2-94-25

Paul Ljucovic
1 Hattfield Place
Dundas, ONT
~~NEX-144-19H-457~~

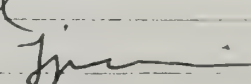
To whom it may concern:

On October 19th, 1994 I played Pool at
(the) Boulevard Billiards on York Street in Hamilton.
I was impressed with the Hall's cleanliness, customer
service, and quality facilities. I have been to many
pool halls over the years and this is by (the)
far the classiest. I plan to frequent this facility
from now on.

I feel strongly that Hamilton benefits when
clubs like Boulevard Billiards succeed. I would be
very disappointed if their licence was not renewed.

If you have any questions or concerns please
feel free to contact me at the above address.

Sincerely

Paul


Paul Ljucovic

File # 7A2-94-25

To the Secretary of Planning & Development Centre:

It has been wonderful coming to this club.

I believe this is one of the top billiards in this city. It has been excellent for the people in this community. I live in this area and truly appreciate coming here relaxing & socializing with people.

It would be nice coming to club without any rowdy people. This is a very nice atmosphere.

I believe this billiard will do successfully in the future. I would ~~be~~ be glad if this club stays open.

Susan Tran.

SUSAN TRAN
11 MCNEIL ST.
Hamilton, ON.

CWNG DHC-
3357 Palmer Dr.
Burlington, Ont.

Secretary of Planning & Development Committee.
City Hall
11 Main Street West.

File # ZAR - 94-25.
Billiard Hall Application.

At this Billiard the scenery is quite
very nice and the people here are friendly.
I think this committee needs a billiard
like this one to entertain the people.
The music here is suitable. It is not
hard rock or heavy rope, It fits the
scenery, a calm and friendly place.

Yours Sincerely,
Gregory

~~For Mr. [unclear]~~

Secretary of Planning & Development Committy
City Hall 71 Main St. West
File # ZAR-94-25
Billiard Hall Application

To whom it may concern,
I think it would be a very good idea
to renew this licence for Boulevard Billiards
because the atmosphere is friendly and
its great for the community.

Louis Rego
Louis Rego
38 Ray St. N.
Hamilton Ont.
Z8R-2x4

File ZAN-94-25

- Secretary of Planning & Development
- City Hall 41 Main St. W

Edmund Pimentel

EDMUND PIMENTEL

4 FERRIE ST. W

Boulevard Billiards is a place too relax
and shoot some pool, meet the friends and
just simply its a great place.

File #An-94-25

Secretary of Planning
Development
City Hall

Joe Rego

JOE REGO

42 FULLERTON AVE HAMILTON ONT.

Boulevard Billiards is one of the greatest
Places that has opened around Queens and
York because it will keep a lot of people
occupied and out of trouble.

File ZAN-94-25
Secretary of
Planning & Development

Oliveira, John
42 Locke St. North
Ham. L&R 3A4

- Building clean, tidy, comfortable surroundings.
- Outstanding Billards. (A1)

Secondary Planning & Development
Committee.
722-94-25

Owen Gibbons
272 BOLD STREET
L8W 1D2 HAMILTON ONT.

Well gee, I like this place.

No really, the atmosphere is fine, it
is really clean and if I had known
about this place earlier I would've
come more often.

Secretary of Blaming
to Devlopment

STEVE JONES

1350 Limeridge Rd E Unit.

File # 2A24-25

~~Joe~~

We enjoy playing pool at such a classy place
as this. It is a good atmosphere.

Secretary of Planning & Development Committee
City Hall

71 Main St. West

File # ZAR - 94-25

Billiard Hall Application

I Katie Wright, am extremely in favour of the Boulevard Billiards renewing their licence and zoning area. I have visited this billiard hall regularly since it's opening.

The Boulevard Billiards provides a relaxed atmosphere, friendly staff and clean surroundings. Another reason I would like to see this establishment is because of the clientele. It is one of the few billiard halls where women actually take part in the sport, because of this I am a returning customer.

I can be contacted at the following number if need be 545-6762

Katie Wright
235 Grosvenor Ave N
Ham, Ont.

five letters together

OCT 26 1994

To:

Secretary of Planning & Development Committee
City Hall
71 Main Application

File # ZAR-94-25
Billard Hall Application

From: Connie Lau ^{*yes very much}
223 Queen St. N. ^{in favour of}
Hamilton, ON. ^{application}
L8R 2W2.

CANADA

Thank you, Connie Lau

My friends & I are very much in favour of this application. We are all of Asian roots and live nearby. There are not an awful lot of things to do in the area. We find that Boulevard Billiards accomodates us with a fun, inexpensive night out. The people are of all the different backgrounds and thats nice to see. Before we would always go to Oakville to go out. Now people we know outside of Hamilton come here.

Copy sent to Victor Abraham, Director of Local Planning and Patrice Noé Johnson, City Solicitor - 1994 October 26. ✓ (B)

To:

Secretary of planning & Development Committee
City Hall
71 Main Application

* Yes very much
in favour of
application

File #ZAR-24-25
Billard Hall Application

Minh Ma
1454 Barton E.
Hamilton, ON.

Minh Ma

To:
Secretary of Planning & Development Committee
City Hall
71 Main Application

File # ZAR-94-25
Billard Hall Application

* yes very much in form
of application

ELLEN DANG
10 SMITH AVENUE
HAM. ONT.

L8L5P1

~~Ellen Dang~~

To:

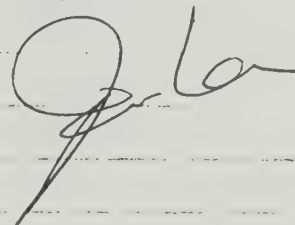
Secretary of Planning & Development Committee
City Hall

71 Main application ✓

File # ZAR-94-25
Billard Hall Application

* ~~yes~~

From: Jenny Lau
223 Queen St. W.
Hamilton, ONT.
L8R-2W2
CANADA



To:

Secretary of Planning & development Committee
City Hall

71 Main Application

File #ZAR-94-25

Billard Hall Application

From: Stacy Lau

223 Queen St. N.

Hamilton, ONT.

L8R-2W2

CANADA

* yes

strongly

in favour

Cheryl Lau

File # ~~2~~AR-94-25
Secretary of Planning & Development
Oct 24/99

Boulevard Billiards is a great
addition to the community. Super
concept and real enjoyable game.

Roy Thompson
75 Queen S.
Hamilton.

OCT 26 1994

Copy sent to Victor Abraham, Director of Local Planning and Patrice Noé Johnson, City
Solicitor - 1994 October 26. (BR)

Secretary of Planning
& Development Committee
71 Main St. W
City Hall
File #ZAR-94-25

application
* very positive
for the community

Copy sent to Victor Abraham, Director of Local Planning
and Patrice Noé Johnson, City Solicitor - 1994 October 26. AP OCT 26 1994

Re File

It is with somewhat embarrassment that I have chosen to write this letter. I am a neighbour that happens to be in my mid-forties. My husband and I go for an hourly walk daily.

Regrettably I was aghast to this business initially, however one day shortly after the Billiard Hall opened my husband & I ventured in. Quite simply, we were astonished. It was truly shocking. We only had a look around but we were both very impressed. Subsequently we discussed the situation quite thoroughly. Businesses such as this do nothing but greatly enhance the community. The building has a new life & consequently so does the neighbourhood. We walk around and see vacant lots, derelict buildings, empty warehouses etc. Patrons coming in & out of the Billiard Hall seem to be enjoying themselves.

My husband & I have not yet made use of the facility. This application has certainly made us take note of our somewhat mediocre & even continuously negative attitude. In the future we will definitely look into what we object to (or are in favour of) with much more care. This application is definitely good for the community.

Name & Address respectfully

Copy sent to Victor Abraham, Director of Local Planning and Patrice Noé Johnson, City Solicitor - 1994 October 26. 

OCT 26 1994

Dear Sir / Madam

I would like to extend my support for a renewal of a Billiard Hall License for Boulevard Billiards.
File # ZAR-94-25

As a regular customer, I have found Boulevard Billiards to be a clean, safe, well managed establishment. A renewal of license would be greatly appreciated. Thank you.

Sincerely



Marven Hallett

184-Charleton ST. W - Apt # 2

Copy sent to Victor Abraham, Director of Local Planning and Patrice Noé Johnson, City Solicitor - 1994 October 26. (BR)

October 25, 1994

To whom it may concern,

OCT 26 1994

As residents of the neighbourhood surrounding the billiards hall at Queen and York Streets, it has come to our attention that the City of Hamilton may not be renewing their license to operate. We found this news to be very disappointing as we have greatly enjoyed the time that we have spent there. It is a clean, safe and well run establishment. The members of our household as well as our friends have enjoyed many pool games there. It is our hope that the city will not deny Boulevard Billiards their right to conduct business in our neighbourhood. We do not feel that the hall will mar the neighbourhood in any way, and we would be saddened to see its doors close. We're certain that the City will return a positive decision.

Thank you for your time,

Sincerely,

Daxton Curry

Marcy Castellano

Christopher Jefferson

Deirdre Milroy

(Residents of 133 Queen St. North)

ZAR-94-25

OCT 26 1994

Secretary of Planning and Development Committee,

Boulevard Billiards is the best pool hall I have ever been to. The atmosphere there is unlike any other. The staff always has the right selection of music playing. I must admit, Boulevard Billiards is always fun, and I wouldn't even think about playing pool anywhere else.

Erik Wolf

Erik Wolf

57 Lorraine Ave.

ZAR-94 25

Copy sent to Victor Abraham, Director of Local Planning and Patrice Noé Johnson, City Solicitor - 1994 October 25

OCT 25 1994

Secretary of Planning
& Development Committee
City Hall
71 Main St. West

File # ZAR-94-25

Additional Letters in
Positive support

SECRETARY OF PLANNING &
DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN ST WEST

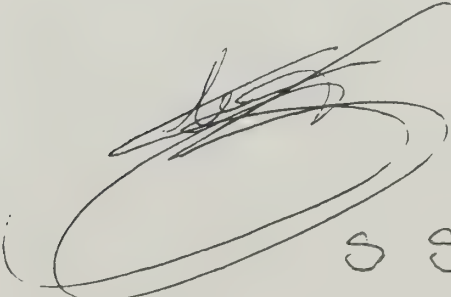
FILE # ZAR -94-25
BILLIARD HALL ... APPLICATION

21-10-94

TO WHOM IT MAY CONCERN,

PLEASE HAVE CAREFULL CONSIDERATION
WHEN THE TEMPORARY ZONING IS
TO BE SETTLED.

THE ABOVE BILLIARD HALL IS CLEAN,
WELL PRESENTED & IS SITUATED
NICELY. I BELIEVE IT SHOULD
BE GRANTED LICENSE PERMANENTLY.



S SHAW

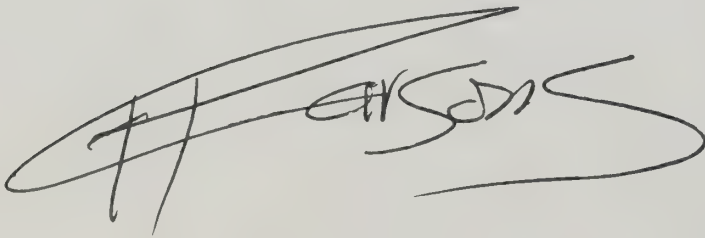
APT 1010-1249 NORTHSHORE BLD E
BURINGTON, ONT.
L7S 1C4

SECRETARY OF PLANNING & DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST

FILE # ZAR-94-25
BILLIARD HALL APPLICATION

DEAR SIR/MADAM:

TODAY I CAME IN TO THIS HALL TO PLAY
I WOULD HAVE GONE TO BURLINGTON TO PLAY
BUT SEEING THIS HALL FROM THE ROAD
PEAKED MY INTEREST, SO I CAME IN
AND HAD A GREAT TIME IN MY OWN
CITY (WHAT A CONCEPT!) PLEASE KEEP
THIS PLACE OPEN SO I CAN WALK HERE
AND PLAY MORE

A large, stylized handwritten signature in black ink, appearing to read 'G. W. J. PARSONS'.

GLENN W.J. PARSONS
19-170 CAROLINE ST. S
HAMILTON ONT
L8P 3K9

Secretary of Planning + Development Committee
City Hall
71 Main Street West
File # ZAR-94 25
Billiard Hall Application

I found that Boulevard Billiards is a welcome
change ~~to~~ from the typical pool halls that
are located in the downtown area. There was a
clean + pleasant atmosphere. A credible establishment,
friendly staff. A positive improvement to
Windsor's image. I would recommend that Boulevard
Billiards be given a licence.

Dean Boddy
Dean Bradley
699 Penny Lane
Burlington, Ont

SECRETARY OF PLANNING & DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST

FILE # ZAR-94-25
BILLIARD HALL APPLICATION

Harpreet Bhogal
HARPREET BHOGAL
19-170 CAROLINE ST. S.
HAMILTON, ONTARIO

^{THIS}
I SAW ^{THE} BILLIARDS HALL FOR THE FIRST TIME
DRIVING BY, NEVER KNOWING IT WAS THERE.
BEING PARTICULARLY KEEN OF POOL I THOUGHT
OF STOPPING TO TAKE A LOOK. IT IS THE
CLEANEST, MOST RESPECTABLE BILLIARDS
HALL I HAVE EVER BEEN IN. THE AIR
IS SO SMOKE FREE, I DON'T HAVE TO
PART MY ~~THE~~ WAY THROUGH IT. I WOULD
DEFINITELY COME BACK AND WOULD LIKE
TO SEE IT STAY OPEN.

SECRETARY OF PLANNING + DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST

FILE # ZAR-94-25
BILLIARD HALL APPLICATION

I WOULD JUST LIKE TO EXPRESS THAT THIS BILLIARDS HALL
IS THE CLEANEST AND BEST KEPT HALL AROUND.
I VERY MUCH ENJOYED THE ATMOSPHERE AND WOULD
LIKE THE CHANCE TO EXPERIENCE IT ONCE AGAIN.

Bekki Henderson
BEKKI HENDERSON
2-245 KENDRA
HAMILTON, ON L8E 1C5

Secretary of Planning & Development Committee
City Hall
71 Main St. W.
File # ZAR - 94-25
Billiard Hall Application

Boulevard Billiards should be able to
renew their licence because of
the pleasant and "classy" atmosphere
compared to typical pool halls in
the downtown Hamilton area. It is
convenient, and seems to be a well-run
operation with friendly staff.

Licki Smith
147 Catharine St. S.
Hamilton

Licki Smith



To whom it may concern.

This is a great place to play pool.
My friend and I play here all the time and
I can't believe one lady wants to put
this place out of business. Your staff is
very friendly and since the ~~at~~ first time
we've been here there has been no problems.
I know most people will agree with what
I've written, so good luck in the future.

Secretary of Planning
& Development Committee
City Hall
71 Main St. W
File # ZAR 24-25
Billiard Hall Application

Mitchell Pelbaird

Mitchell Pilkauskas

20 Royal Edge Way
Waterdown, Ont.

Secretary of Planning & Development
City Hall
71 Main Street West

I hope Boulevard Billiards continue to open in the future. They have great services and the people who go there are nice. It is also the cleanest pool hall I been to around Hamilton.

Ha Nguyen

Ha Nguyen

10 Fullerton Ave.
Hamilton Ont
L8H 6G8

ZAR 94-25

SECRETARY OF PLANNING & DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST
FILE # ZAR- 94-25
BILLIARD HALL APPLICATION.

Hi, MY NAME IS RICK.

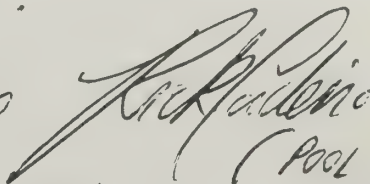
JUST THOUGHT I'D LET YOU KNOW THAT
BOULEVARD BILLIARDS IS THE BEST POOL HALL I'VE EVER
BEEN TO AND I'VE BEEN TO A FEW HALLS MAY I ADD.
EVERY TIME I'M HERE, EVERY SINGLE TABLE IS BEING USED BY
HAPPY CUSTOMERS.

THE PLACE IS ALWAYS CLEAN, THE SERVICE BY THE STAFF
IS EXCELLENT AND THEY DO A VERY PROFESSIONAL JOB OF
RUNNING THIS ESTABLISHMENT.

IT'S ALSO ABOUT TIME WE HAD SOMETHING LIKE THE
BOULEVARD BILLIARDS IN THIS AREA. I NOW DON'T HAVE
TO DRIVE OUT OF TOWN OR ACROSS TOWN TO SHOOT POOL. FOR
ME, BOULEVARD BILLIARDS IS A 2 MINUTE WALK FROM
MY HOUSE AND THE HOUSE OF MY FRIENDS AS WELL.

ONCE AGAIN, BOULEVARD BILLIARDS GETS MY FULL
SUPPORT TO CONTINUE OPERATING.

MY NAME IS RICK CORDEIRO


(POOL SHARK.)

41. GREIG STREET
HAMILTON, ONTARIO
L8R-2W8.

Secretary of Planning & Development Committee
City Hall
71 Plain St West

File # ZAR - 94 - 25
Billiard Hall Application

Charles Kloetstra
44-707 Queen St W
Ham. Ont.
L8R 3H8
546-1106

I would hope that you approve the application.

Personally it is one of the better establishments in Hamilton that I have visited.

It is a well kept and a very controlled environment without a lot of trouble. It is quiet and all patrons are seated.

I continue to support them in my patronage -

Charles Kloetstra

SECRETARY OF PLANNING & DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST

FILE # ZAR - 94 - 24
BILLIARD HALL APPLICATION

My name is Besh Keramidias and I give my full support to 'Boulevard Billiards' licence and zoning renewal. The atmosphere of 'Boulevard Billiards' is terrific and many people enjoy playing pool in a comfortable setting. Playing pool is truly one of my favourite hobbies especially when the pool hall is so well kept and the people are so friendly.

BESH KERAMIDAS
Besh Keramidias
148 RAY ST. NORTH
HAMILTON, ONTARIO

Secretary of Planning & Development Committee
City Hall
11 Main Street West

File # ZAR-94-25
Billiard Hall Application

To Whom it may concern,
I'm writing in regards to the licensing and
going renewal for Boulevard Billiards. I would like
to see this pool hall stay open because it provides
a warm atmosphere for my friends and I.

Lisa Terrance
Lisa Terrance

44 Cheaff St.
Hamilton.

To : Secretary of Planning & Development
Committee.

This letter is for my support for
the continued operation of this fine
establishment, Boulevard Billiards.

Ming Ngheon

Ming Ngheon

143 Wentworth St N
284-516
Ham.

2AR 94-25

City Clerk's Dept.
City Hall
File # ZAR-742

To whom it may concern

I am a Burlington resident whom loves
coming to Boulevard Billiards to play.
It is a nice place to meet new friends.
So please keep this place open.

Thank you

Thank You

Thank Train

402 Plains Road

SECRETARY OF PLANNING & DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST

FILE # ZAR-94-25
BILLIARD HALL APPLICATION

BEING A RESIDENT IN THE DOWNTOWN AREA,
BOULEVARD BILLIARDS HAS PROVIDED A WELL
MAINTAINED ENTERTAINMENT FACILITY FOR THE
DOWNTOWN CORE. THEY HAVE MY FULL SUPPORT
TOWARDS THEIR LICENCE AND ZONING RENEWAL

Sarah Best

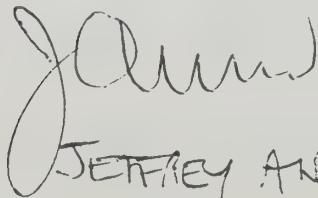
SARAH BEST
7 CATHERINE ST N.
APT. #8
HAMILTON, ON.

OCT. 23 94

TO: SECRETARY OF PLANNING & DEVELOPMENT COMMITTEE.
CITY HALL
71 MAIN STREET WEST
FILE # ZAR - 94 - 25
BILLIARD HALL APPLICATION

THIS BILLIARD HALL IS CLEAN WELL RUN AND
IS A RESPECTABLE ESTABLISHMENT. I RECOMMEND
THAT THE APPLICATION BE RENEWED.

REGARDS,



1/ JEFFREY ANSON
230 BAY ST NORTH
HAMILTON, ONT.
L8R 2R2.

2/ W. Kennington
Wendy Kennington
580 BAY ST 12
Hamilton

3/ Ann LeBar
ANN LEBARR
150-150 HUGHSON ST S.
HAMILTON
L8N 3N2

Secretary of Planning & Development Committee
City Hall
71 Main Street West

FILE # ZAR-94-25
BILLIARD HALL APPLICATION

I am in full support of Boulevard
Billiards' application for licence renewal.
I spend a few hours ~~as~~ week there. It
is a clean, comfortable establishment.

Jennifer Cake

Jennifer Cake
33 Gretna Court
Hamilton, Ont.
L9C-4V1

SECRETARY OF PLANNING &
DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST

FILE # ZAR-94-25

I AM A WEEKLY VISITOR OF BOULEVARD
BILLIARDS SINCE ITS OPENING. I HAVE
FOUND BOULEVARD BILLIARDS TO BE THE
CLEANEST AND MOST INVITING POOL HALL
IN THE HAMILTON AREA. THE STAFF IS
OUTSTANDINGLY POLITE AND COURTEOUS
I GIVE MY MOST OUTSTANDING WORD
OF RECOMMENDATION TO BOULEVARD
BILLIARDS.

Mr Scott Stanley

SCOTT STANLEY
182 CLIFTON DOWNS
HAMILTON ONT.
L4C 2P6

Secretary of Planning & Development Committee
City Hall
71 Main Street West

File # ZAR - 94-25
Billiard Hall Application

To Whom it may Concern,

Boulevard Billiards in my opinion is one of the finest pool halls in Hamilton. The Staff is very friendly, and courteous, and the atmosphere is always very clean and welcoming. Boulevard Billiards is a place where everyone can have a great time and do it with ease. They have mixed class, and style into a relaxed and very comfortable setting. I definitely think Boulevard Billiards should be re-licensed.

Sincerely,
Carrie Keen

Carrie Keen

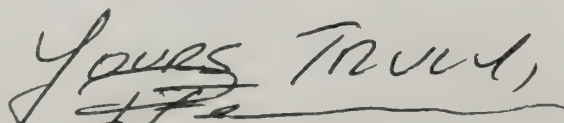
104 East 24th Street
Hamilton
L8U 2Y1

379 WEST RECORDS
44 FERRIE ST. WES
HAMILTON, ON

SECRETARY OF PLANNING AND
DEVELOPMENT COMMITTEE.
CITY HALL
71 MAIN STREET WEST.

FILE # ZAR-94-25
BILLIARD HALL APPLICATION.

MY NAME IS PAULO FERREIRA
PART OWNER OF 379 WEST RECORDS.
I'M WRITING THIS LETTER BECAUSE
IT WAS BROUGHT TO MY ATTENTION
THAT BOULEVARD BILLIARDS IS
PUTTING IN AN APPLICATION TO
CONTINUE THEIR OPERATION. IT'S
VERY IMPORTANT FOR THE COMPANY
AS WELL AS MYSELF THE BOULEVARD
BILLIARDS CONTINUES THEIR
OPERATION BECAUSE OUR STUDIO
IS LOCATED NEAR BY. WHEN
OUR CLIENTS COME DOWN TO
THE STUDIO WE LIKE TO RELAX
THEM BEFORE OR AFTER THE WORK
IS DONE IN THE STUDIO SO
WE BRING THEM IN TO BOULEVARD
BILLIARDS FOR A COFFEE AND
A GAME OR TWO!

YOURS TRULY,

PAULO FERREIRA

ANTHONY VERISSIMO
7-75 MAGNOLIA DR
HAMILTON, ONTARIO
CANADA.

SECRETARY OF PLANNING AND DEVELOPMENT COMMITTEE.
CITY HALL
71 MAIN STREET WEST.


FILE # ZAR - 94 - 25
BILLIARD HALL APPLICATION

TO WHOM IT MAY CONCERN,

AS AN AVID POOL PLAYER, I HAVE PLAYED IN THE MAJORITY OF THE POOL HALLS IN THE HAMILTON AREA AND ALSO IN THE REGIONS SURROUNDING HAMILTON. OUT OF THEM, I HAVE FOUND BOULEVARD BILLIARDS TO BE THE BEST OUT OF THEM ALL, WITH NO COMPARISON. IN MY NEAR FUTURE I WOULD LIKE TO OPEN UP MY OWN POOL HALL, AND I HAVE FOUND BOULEVARD BILLIARDS AS A GOOD MODEL OF THE TYPE OF ESTABLISHMENT I WOULD LIKE TO OPEN.

BOULEVARD BILLIARDS ATMOSPHERE IS VERY WELCOMING, AND THE SERVICE IS IMPELIBLE. THE STAFF SHOWS A RESPECT TO THEIR CUSTOMERS AND ARE WILLING TO ACCOMMODATE ANY OF THEIR CUSTOMERS NEEDS WITHOUT HESITATION.

I WOULD FIND IT A GREAT INJUSTICE IF AN ESTABLISHMENT OF THIS CALIBRE WERE TO BE CLOSED DOWN

SINCERELY

ANTHONY VERISSIMO

Oct 25, 1994.

Secretary
Planning and Development Committee
City Hall
71 Main St. W

OCT 26 1994

Dear Sir/Madam :

Re: File ZAR-9425
Billiard Hall Application

I am writing in support of the new billiard hall on the corner of York and Queen St. N. I have frequented the pool hall a few times in recent months with friends of mine. We had a thoroughly enjoyable time in this newly-popular recreational activity.

Hamilton is in dire need of places for people to spend a relatively inexpensive evening. This kind of establishment provides a place for both young and older people together keeping the youth off the streets and away from "mischief."

I fully support this particular pool hall in my neighbourhood.

Yours truly, Vida Olzga

Mrs. VIDA MAZZA, 332 Bay St. S., Hamilton L8P3J8

To Whom it may concern,

OCT 27 1994

I have visited Boulevard
Billiards on many occasions and have found
it to be both a friendly and relaxed
atmosphere. The clientele are respected
and well mannered individuals. I can see
no possible threat to the harmony of the
neighbourhood and therefore hope this
business will continue.

Yours Truly,

James O'Connor



TO WHOM IT MAY CONCERN OCT 27 1994

IT HAS BEEN BROUGHT TO MY
ATTENTION THAT BOULEVARD BILLARDS
IS RENEWING THEIR LICENSE, IN
FAVOUR OF THIS ESTABLISHMENT. I
AM WRITING THIS BRIEF NOTE IN
SUPPORT OF NED GERDA, CARLA
AND TAWL.

I AM AN AVID POOL PLAYER, BUT
VERY SELECT OF WHERE I ATTEND.

BOULEVARD BILLARDS IS CLEAN,
WELL MAINTAINED AND COURTES TO
THEIR GUESTS. ABOVE ALL THE CLIENTEL
IS RESPECTABLE.

OTHERS, AND MYSELF ARE
KINDLY ASKING YOU TO GO
FORTH WITH THE CONTINUATION
OF THIS FINE OPERATION.

Thank-You

Victor Abraham
Brent Krantz



and Patrice Noé Johnson - 1994 October 27

To whom It May Concern, OCT 27 1994

~~Copy sent to Victor Abraham, Director of Local Planning~~
and Patrice Noé Johnson - 1994 October 27

Support for the continuing operation
of Boulevard Billards.

I have been frequenting this
establishment for a couple of
months now, and have realized
that this pool hall shines out above
all others in the area.

The people who run this place
are great and everyone who plays
there, respects the fellow patrons
and all equipment used. I now
feel a certain loyalty to
Boulevard Billards and would
never think of going to
play anywhere else.



All in all, I hope that
your decision will be in

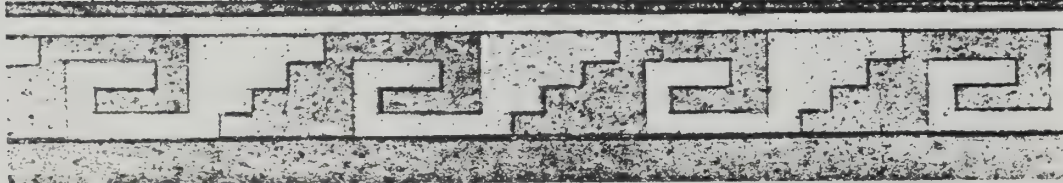


everyones favour. I am looking
forward to spending many more
evenings at Boulevard Billards..

I know my opinion of this place
reflects all who go there.

Sincerely Yours,

Kelly Hills



Copy sent to Victor Abraham, Director of Local Planning
and Patrice Noé Johnson - 1994 October 27

Secretary of Planning & Development Committee
City Hall

71 Main St West OCT 27 1994

File # ZAR-94-25

Billiard Hall Application

I enjoy going to Boulevard Billiards because it is well maintained, clean, the tables themselves are probably the best in the City. The people are polite and are nice to see when you come in. It is also an unbelievable price for the quality and service.

Dave Cappelli

Dave Cappelli

146 Old Ancaster Rd

Dundas, Ont

L9H 3A4

Secretary of Planning and Development,
File # ZAR - 94 - 25

OCT 27 1994

Over the past few months, many of my friends, as well as myself, have become quite attached to Boulevard Billiards due to its clean and friendly atmosphere. Not only ~~has~~ Boulevard Billiards become a very entertaining place to be, it also provides affordable recreation even in the toughest economic times. One could simply say that Boulevard Billiards gives a new meaning to a pool hall.

Jason Sinai
Jason Sinai
22 Watson's Lane ~~1111~~

Secretary of Planning & Development Committee
City Hall
71 Main Street West

OCT 27 1994

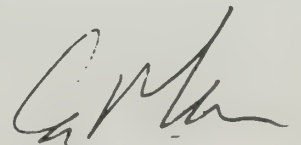
RE: # ZAR - 94 - 25
Billiard Hall Application

To whom it may concern;

This letter is in support for the renewal of a business licence for Boulevard Billiards. I feel that this business adds to the community and the downtown core.

Boulevard Billiards provides a classy place to conduct business, relax and enjoy conversation. I have frequented the establishment many times since it has opened and have seen only good things happening.

It is with these thoughts in mind that I support their application for continued operation in the future.



Ian Marr
2395 #1 Side Road
Burlington, Ontario

To: Secretary of Planning & Development Committee
City Hall

71 Main Street West

OCT 27 1994

My friends and I go to Boulevard Billiards
mainly because we think that it is
the best pool hall in Hamilton. It has
a great atmosphere and plays our variety
of music. The people there are great
and the owner treats us like his top
customers.

File # 2AR-94-25

Billiard Hall Application

Danny Anacleto

Danny Anacleto

373 Charlton Ave West

Secretary of Planning &
Development Committee
City Hall.

71 main St. west. OCT 27 1994

File #ZAR-94-25
Billiard Hall Application.

Dear Sir /madam,

I am sending you a note in regards of
Boulevard Billiards. I am in Favour to
the renew of the Billiard Hall application.

Being a Female customer, I feel very comfortable
in a male environment, the hall is ^{kept} ~~very~~ Spotless,
and has pleasant staff. I would and have
recommended my Friends to play pool there.

Yours Truly Shirley Currie

Shirley Currie

44 Queen St. N. Apt 415

Secretary of Planning
Development committee
city Hall
71 main st. west OCT 27 1994
File #ZAR-94-25
Billiard Hall Application

Dear Sir/Madam

I Gilbert Raposo send you this letter in favor of Boulevard Billiards. I am very pleased that there is a pool hall around my neighborhood, it is very clean & classy. The hall is the best pool place I've ever been in. Also I would like to include that the staff are very friendly people towards their customers.

Sincerely Gilbert Raposo

Gilbert Raposo

44 Queen st N.

Secretary of Planning & Development Committee
City Hall
71 Main Street West

OCT 27 1994

RE: # ZAR - 94 - 25
Billiard Hall Application

To whom it may concern;

This letter is in support for the renewal of a business licence for Boulevard Billiards. I feel that this business adds to the York Boulevard business community.

Boulevard Billiards provides a classy place to conduct business, relax and enjoy conversation. I have frequented the establishment many times since it has opened and have seen only good things happening. It is my understanding that it is the objective of committees such as yours to weed out the businesses which have a negative image on Hamilton. I would like to say from both a business and pleasure point of view Boulevard Billiards is good for Hamilton

It is with these thoughts in mind that I support their application for continued operation in the future.

Steven P Connor
789 Highway #6
Caledonia, Ontario N3W 1M5

McCarthy Tétrault

BARRISTERS & SOLICITORS - PATENT & TRADEMARK AGENTS

SUITE 4700, TORONTO DOMINION BANK TOWER
TORONTO-DOMINION CENTRE, TORONTO, ONTARIO, CANADA M5K 1E6
FACSIMILE (416) 868-0673 - TELEPHONE (416) 362-1812

3a

Direct Line: (416) 601-7847

September 28, 1994

Mr. Joseph Schatz
Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz:

Re: Taco Bell
Corner of Main Street and Dundurn

Our client, Taco Bell Canada, has requested that we respond to the letter from Tina Agnello of your office dated August 31, 1994. That letter sets out the request of the Planning and Development Committee for an access control gate to be provided between the property of Taco Bell and the public laneway which exits to Dundurn Street.

As the City is aware, the Taco Bell restaurant at Main and Dundurn has recently been constructed following a thorough planning review and approval process. The approvals included a Site Plan Agreement which specifically required laneway improvements to be completed at the cost of Taco Bell in order to accommodate traffic, including the traffic from the Taco Bell restaurant. In addition to being a requirement of approval, that laneway access is essential to the safe and convenient operation of the Taco Bell restaurant.

Consistent with all of the above, our client cannot agree that a gate or any other measures to prevent Taco Bell access to the public laneway is appropriate or defensible. Accordingly, Taco Bell cannot agree to provide the requested control access gate.

McCarthyTétrault

- 2 -

Mr. Joseph Schatz

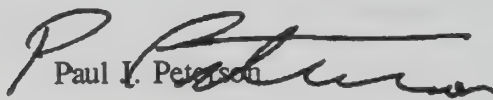
September 28, 1994

It remains the consistent position of our client, that they will consider reasonable measures other than the elimination of Taco Bell access in order to address outstanding City concerns, if any, with respect to the laneway.

Yours very truly,

McCarthy Tétrault

Per:


Paul I. Peterson

PJP:kj

ELECTRONIC SIGNATURE

c: Ron Dee
Councillor Terry Cook
Councillor Mary Kiss
City Legal (Attn: Art Zuidema)
J. MacDonald, Taco Bell Canada
D. Meffe, Domenic Meffe Architects

4

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 26
(P5-2-5)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Albion Falls Modified Neighbourhood Plan Review -
Authorization for Public Information Meeting

RECOMMENDATION:

1. That the attached report, as APPENDIX A, "Albion Falls Modified Neighbourhood Plan Review", be received for information; and,
2. That the Planning and Development Department be authorized to hold a public information meeting to discuss and provide input on options contained in the report attached as APPENDIX A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The estimated cost of purchasing 14 properties is \$2.8 million. However, the cost of this property acquisition will be offset by the sale of City owned lands (north of Mud Street, west of the Stoney Creek boundary) which is projected to be \$2.4 million.

BACKGROUND:

Purpose

Planning and Development Committee, at their meeting of August 24, 1994, directed the Planning and Development Department to carry out a Modified Neighbourhood Plan Review for a portion of the Albion Falls Neighbourhood. This request was the result of several factors including:

- o a delay in acquisition of the area for open space purposes, originally identified in 1982;
- o a delay in the development of the City owned subdivision to the east, north of Mud Street, for offsetting the cost of purchasing the open space lands;
- o a request by a land owner to purchase her lands; and,
- o a request by three area residents to have their lands serviced with municipal water.

As directed, the Review was limited to the evaluation of two possible land use options for the study area:

- i) retention of the existing open space designation; and,
- ii) use of the lands for residential purposes, either by recognizing existing uses and/or allowing additional residential uses.

Location

The study area is located just south of Albion falls and is bounded by the Escarpment, Pritchard and Arbour Roads, and the Expressway alignment (see Map No. 1 in APPENDIX A). The study area contains 22 properties totalling 32 acres. There are 14 privately owned single family residential dwellings in the area along with other lands owned by the City, Region and Board of Education. The City currently owns approximately 18 acres or 56% of the site.

Planning

The study area is designated "Open Space" in the City of Hamilton Official Plan and Neighbourhood Plan. This designation was put in place to provide a community open space and a logical extension of the Redhill Valley to the Conservation Authority open space to the southwest. Most of the site is currently zoned "AA" (Agricultural) District with some properties in the southern portion of the site zoned "M-13" (Prestige Industrial) District.

As part of the Neighbourhood Plan, City Council passed a resolution to purchase the remaining residential properties in this area and convert them to open space, utilizing proceeds from the sale of lots in a City owned subdivision to the east of the study area, north of Mud Street.

Servicing

The study area is currently unserviced. Sewage disposal is through the use of septic tanks. Water, subsidized by the City, is trucked to the residential properties. Several residents in the area have requested to have their land serviced with municipal water.

Property Acquisition

While the City did purchase several residential properties in the study area in the late 1980's utilizing the Parkland Dedication Fund, sufficient monies are no longer available in this fund. The cost of purchasing the remaining privately owned properties (16 properties, totalling 14 acres) is estimated at approximately \$2,800,000. Revenues from the sale of 86 single family lots in the City owned subdivision north of Mud Street are estimated at approximately \$2,400,000 and is earmarked for purchase of properties in the study area. However, these revenues will not be available for three to four years, until the subdivision is developed. Therefore, the purchase of properties in the study area will require some form of bridge financing until revenues begin to flow from the City owned subdivision.

Land Use Options

As directed, the attached report (APPENDIX A) develops and evaluates two land use options:

- i) retention of the existing open space designation; or
- ii) use of the lands for residential purposes.

For each of these two options, various sub-options were investigated. These range from the City purchasing all remaining residential properties and converting the entire area to open space, to a mix of open space and residential, to a fully serviced residential subdivision. In total eight options were examined. Three are strictly open space (1A-1C), two are a mix of open space and residential (1D, 1E), and three are strictly residential (2A-2C). The study area has also been identified as a potential location for the proposed Redhill Valley interpretive centre and/or Escarpment Restaurant or could be used for recreational purposes.

A cost-benefit analysis was prepared for each option to establish direct monetary costs and savings to the City. The advantages and disadvantages of each option from a land use and planning perspective were also evaluated. See Table 1 in APPENDIX A.

Evaluation

Options 1A to 1C involve the City purchasing the remaining residential properties and the Board of Education site, and converting the entire area to open space. Option 1A (Open Space With No Municipal Water) does not propose extension of municipal water to the existing residents. Option 1B (Open Space With Municipal Water) is the same as 1A, except that municipal water is extended to the residential properties prior to their purchase by the City.

Under all of the options that propose a City purchase of residential properties, there is the possibility that one or more owners may be unwilling to sell. In cases where the City cannot purchase properties on a willing buyer-willing seller basis, expropriation may be considered if the location of the homes jeopardize the open space function.

Comparing options 1A and 1B, it does not appear to be cost-effective for the City to install a watermain under Option 1B, and then after a few years, purchase the residential properties, demolish and clear the houses and convert the area to open space. Installation of the watermain could result in increased water usage and possible septic system failure. This has happened in other parts of the Region, particularly where there are heavy clay soils, as is the case in the Albion Falls area. Septic system failure could lead to requests for sanitary sewers, at a cost of approximately \$1,000,000 for the area. In turn, this could lead to pressure for full scale residential development in order to justify the costs of the sanitary sewers. Therefore, Option 1A (Open Space With No Municipal Water) is preferred to 1B (Open Space With Municipal Water).

Option 1C (Open Space (Two Phase Approach With No Municipal Water) is the same as 1A, except the purchase of residential properties is phased. Four residential properties in the western portion of the site would be purchased in the first phase to provide a small open space area. The remaining 10 properties would be purchased in the second phase. While this approach provides the City with greater flexibility in bridge financing of the purchases, it also creates several problems. Some of the owners in the second phase may want to sell sooner, and some of the owners in the first phase may want to sell later. Also, this approach does not treat the residents the same with respect to the City's desire to purchase their properties for open space on a willing buyer-willing seller basis. Therefore, Option 1C (Open Space (Two Phase Approach) With No Municipal Water) is not preferred.

Options 1D (Mix of Open Space and Residential With No Municipal Water) and 1E (Mix of Open Space and Residential With Municipal Water) propose a mix of open space and residential use, with the western portion of the site being purchased by the City and converted to open space, and the eastern portion of the site remaining for residential purposes. While costs to the City would be lower than purchasing all the properties, there will still likely be concerns among the remaining residents regarding servicing. Again, if water is extended to these properties, the problems and costs associated with septic system failure and provision of sanitary sewers could arise. Also, options 1D and 1E do not fully resolve the land use and servicing issue because the 10 remaining residents may still request that the City purchase their properties, or they may still request sanitary sewers at some point in the future.

The three options involving designating and permitting development of the study area strictly for residential purposes had significant costs and land use disadvantages. Option 2A (Existing Residential With Municipal Water) involves changing planning policies to permit only the existing level of residential development with the extension of municipal water. Option 2B (Additional Residential on Septics With Municipal water) is the same as 2A, except that it allows some additional residential development based on septic systems. Because municipal water is

extended to the residents, options 2A and 2B could encourage greater water usage and possibly septic system failure. In turn, this could result in pressure from the existing residents for full urban services and full scale residential development.

Under Option 2C (Residential Subdivision on Full Services), the area would be fully serviced with water, sanitary and storm sewers and the City owned lands would yield approximately 100 single family lots. While this option would provide net revenues to the City, it would also eliminate any possibility of utilizing this area for community open space and recreational uses. A subdivision in this area would also necessitate secondary road access, and the provision of soft services such as policing, fire protection, and schools.

Preferred Option

Based on the evaluation conducted in the attached report (APPENDIX A), Option 1A (Open Space With No Municipal Water) is the preferred option for the Albion Falls area. Option 1A resolves the servicing issue in the area and accomplishes the open space goals established in the Official Plan. Therefore, the existing "Open Space" designation in the Official Plan is also preferred in this area. The City could purchase the remaining residential properties and convert them to open space over the next few years.

Bridge financing for at least part of the total required purchase amount (\$2,790,000) will have to come from debentures or a general tax rate increase. Once proceeds from the sale of lots in the City owned subdivision to the east begin to accumulate, these proceeds should be used to pay down the debenture, i.e., repay the bridge financing. There may still be some shortfall (estimated at approximately \$400,000) between the cost of purchasing the required properties for open space and the proceeds from the City owned subdivision. The exact amount of this shortfall, if there is one, cannot be determined until all proceeds from the subdivision and costs for land purchases are known.

Conclusion:

1. That the attached report, as APPENDIX A, "Albion Falls Modified Neighbourhood Plan Review", be received for information; and,
2. That the Planning and Development Department be authorized to hold a public information meeting to discuss and provide input on options contained in the report attached as APPENDIX A.

LP/JH-E:fd

Appendix A

**ALBION FALLS
MODIFIED NEIGHBOURHOOD PLAN REVIEW**

DRAFT

**Regional Municipality of Hamilton-Wentworth
Planning and Development Department
Local Planning Branch**

October 1994

TABLE OF CONTENTS

	Page
SECTION 1 STUDY BACKGROUND AND PURPOSE	1
1.1 Location	1
1.2 Existing Land Use	1
1.3 Purpose of the Study	1
SECTION 2 PLANNING BACKGROUND AND LAND USE ISSUES	3
2.1 Current Planning Status	3
Hamilton Wentworth Official Plan	3
City of Hamilton Official Plan	3
Neighbourhood Plan	4
City of Hamilton Zoning By-Law	4
Niagara Escarpment Plan (NEP)	5
2.2 Factors Affecting Land Use	6
Location and Accessibility	6
Cost of Servicing	6
Cost and Funding of Property Acquisition in the Area	7
Open Space in the Albion Falls Area	8
Redhill Valley Interpretive Centre/Restaurant With a View	8
SECTION 3 LAND USE OPTIONS AND EVALUATION	10
3.1 Option 1 Retention of Existing Open Space Designation	10
Option 1A Open Space With No Municipal Water	10
Option 1B Open Space With Municipal Water	12
Option 1C Open Space (Two Phase Approach) With No Municipal Water	13
Option 1D Mix of Open Space and Residential With No Municipal Water	14
Option 1E Mix of Open Space and Residential With Municipal Water	15
3.2 Option 2 Designation and Use of Lands for Residential Purposes	16
Option 2A Existing Residential With Municipal Water	16
Option 2B Additional Residential (on Septic) With Municipal Water	16
Option 2C Residential Subdivision on Full Services	17
SECTION 4 CONCLUSION	18

TABLES

Table 1	Comparison of Options	20
---------	-----------------------	----

MAPS

Map No.

1	General Location Map	
2	Land Use Regulations and Ownership	
3	Road Pattern for Open Space	
4a	Servicing - Sewer Pipelines	
4b	Servicing - Water Mains	
Appendix 1	Terms of Reference	25
Appendix 2	Planning History	29

SECTION 1 STUDY BACKGROUND AND PURPOSE

1.1 Location

This study reviews the Neighbourhood Plan for a portion of the Albion Falls Neighbourhood in Hamilton. The study area is in Ward 6, just south of Albion Falls and is bounded by the Escarpment, Pritchard and Arbour Roads and the Expressway alignment (See Map No. 1 - General Location).

1.2 Existing Land Use

The study area contains 22 properties totalling 32.4 acres. There are 14 single family dwellings in the study area and vacant lands. There are a number of landowners including the Region, City of Hamilton, Hamilton Board of Education and private persons.

The area is designated "Open Space" in the City of Hamilton Official Plan. The area is unserviced. Sewage disposal is through the use of septic tanks. Water, subsidized by the City, is trucked to the residential properties. Several other key factors also affect potential land use options in the area. These factors include, but are not limited to:

- location and accessibility;
- cost/difficulty of servicing;
- cost/difficulty of purchasing private properties; and,
- timing/pace of residential development to the east of this area;

Planning policies and factors affecting potential land use in the area are discussed in Section 2 of this report.

1.3 Purpose of the Study

The purpose of this study is to evaluate land use options and choose a preferred option for the study area (see Appendix 1 for Terms of Reference). Several factors have combined to make this study necessary. There has been a delay in the purchase of the 14 residential properties by the City or other public/private body for open space purposes due to a lack of funding. Recently, a home owner in the area requested the City purchase her property. A request was also made by several area residents to have their properties serviced with municipal water. As a result, a request was made by the Ward 6 Aldermen and endorsed by City Council to undertake a review of the area.

As approved, this modified review of the area will examine two basic options:

- 1) retention of the open space designation and use of the area for open space; and,
- 2) change to a residential designation and use of these lands for residential purposes.

Several variations on these two basic options are developed, including a mix of residential and open space uses, but fundamentally the choice is between the two options listed above. A complete description and evaluation of these options is provided in Section 3. This evaluation employs both planning and cost-benefit criteria to recommend a preferred option in Section 4.

Information required to complete this study was obtained from several City and Regional departments, including the Property, Law, Treasury, and Environmental Services Departments and the Freeway Project Office.

SECTION 2 PLANNING BACKGROUND AND LAND USE ISSUES

2.1 Current Planning Status

Hamilton-Wentworth Official Plan

The existing Regional Official Plan designates the area as "Existing Development" while the new Regional Official Plan designates the area "Urban Area".

City of Hamilton Official Plan

The City of Hamilton Official Plan designates the area as "Open Space" on Schedule A - Land Use Concept. According to Policy A 2.4.1, the primary uses permitted under the Open Space designation include:

"developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics..."

In addition, the following policies should be noted.

Policy A 2.4.3 specifies that:

"Open Space will be acquired through land dedication or cash-in-lieu, as provided for in the Planning Act, by means of funds through the Five-Year Capital Budget, and as further set out in Subsection D.5".

Policy A 2.4.8 specifies that:

"Where land designated Open Space is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these areas are free and open to the general public or will be purchased by the Municipality or any other public agency".

The residential uses in the study area are "non-complying uses" as defined in Subsection A 3.3 of the Official Plan. The extension or enlargement of non-complying uses may be permitted by Council, if certain requirements are satisfied, one of which is:

"...that the proposed extension or enlargement of the established non-complying use will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area".

Neighbourhood Plan

The Albion Falls Neighbourhood Plan, approved by City Council in 1982, designates the area "Open Space". This designation is consistent with the Official Plan and was put in place to provide for a logical extension of the Redhill Valley and a link between the Valley and the Conservation Authority open space west of Arbour Road. This would provide for continuous pedestrian trails and the opportunity for active and passive recreation.

As part of the Neighbourhood Plan, City Council passed a resolution that proceeds from the sale of lots in the City owned subdivision to the east of the study area, north of Mud Street, would be used to purchase properties in the Albion Falls Acquisition Area (the study area), for open space purposes.

Once the Expressway is built, it is intended that Mud Street will be closed just east of Pritchard Road and even with the planned construction of the Pritchard Road overpass to serve the 14 residential properties, the site will be somewhat isolated. The area also lacks municipal services and to service the area would require significant expenditures and possibly a sewer easement across environmentally significant lands to the west.

Consequently, because of the unique open space opportunity presented by this area at the edge of the escarpment and the Redhill Valley, and the lack of municipal services, this area was designated for open space in the Neighbourhood Plan. A detailed planning history for the study area is contained in Appendix 2.

City of Hamilton Zoning By-Law

The lands are zoned "AA" (Agricultural) District, and "M-13" (Prestige Industrial) District (See Map No. 2 - Land Use Regulations and Ownership). However, nine of the fourteen properties are designated "Urban Area" in the Niagara Escarpment Plan (NEP) which supersedes the City of Hamilton zoning by-law.

The homes in the "AA" Agricultural District are in a legally established non-conforming location. Because these lots are considered existing lots of record, subject to Niagara Escarpment Commission (NEC) control, the zoning by-law permits without the need for a minor variance; renovations, additions, demolition and replacement, as long as the following yard requirements are met:

- i) a front yard of a depth of at least 12.0 metres (39.37 feet);
- ii) a side yard along each side lot line of a width of at least 4.5 metres (14.76 feet);
- iii) a rear yard of a depth of at least 10.5 metres (34.45 feet); and,
- iv) the requirement for a lot width of at least 60.0 metres (196.85 feet) and an area of at least 12,000 square metres (2.97 acres) is waived.

Only two of the twelve residential properties in the "AA" (Agricultural) District currently meet these requirements. The remainder of the properties would require a minor variance to permit renovations and additions.

The remaining two properties in the area are legal non-conforming uses because residential is not permitted in the "M-13" (Prestige Industrial) district. Therefore, any change to the residential use or location of buildings on these properties, as specified above, would require minor variances.

A cultural, recreational or community building is currently permitted by the Zoning By-Law in the 'AA' (Agricultural) district. Potential recreation centre sites above the Escarpment are being examined farther to the west where recent population growth may warrant the need and location of such facilities.

Niagara Escarpment Plan (NEP)

The nine privately owned residential properties designated "Urban Area" in the NEP are in the northern portion of the study area closest to the escarpment (See Map No. 2). In the "Urban Area", the NEP permits expansion to existing buildings, demolition and replacement, or a change in use, when it can be sufficiently demonstrated that the objectives of the applicable designation of the NEP are met. A permit must be obtained from the Niagara Escarpment Commission (NEC). Exemptions to the permit can be given for additions up to 92.9 m² (1,000 square feet) where a 4.5 m (15 foot) side yard is maintained and the addition is no higher than the existing structure. A building or structure (damaged by fire or other natural causes) may be rebuilt in the same location, of the same exterior size and use without a Niagara Escarpment Permit, provided municipal requirements and provisions of Ontario Regulation 685 as amended, are met. The City is currently requesting authority for zoning over this NEP "Urban Area".

While the residential uses do not comply with the Official Plan, they are permitted by the Planning Act and the zoning by-law. Also, renovations, additions, demolition and replacement are permitted as long as certain requirements in the zoning by-law and NEP are met. The Law Department advises that the City is not liable to owners of properties in the Albion Falls area who claim that their lands have been "sterilized" by planning designations approved by the City. Albion Falls is not a unique case as many properties throughout the City are zoned and designated for uses other than those currently existing on these properties. The Law Department also advises that Albion Falls residents cannot oblige or require the City to purchase their properties. In the event that the City decides not to purchase properties at the time the owners wish to sell, the properties can be sold on the open market.

2.2

Factors Affecting Land Use

As previously mentioned several factors have a bearing on land use in this area. A discussion of these factors is presented here prior to development of land use options in the next section.

Location and Accessibility

Accessibility to the site is presently from Mud Street, Pritchard Road or Arbour Road. The study area presently has a natural boundary to the north in the form of the Escarpment and Albion Falls. Conservation Authority lands border the site to the west and southwest.

Once the Expressway is built, the site will have a hard boundary to the southeast and Arbour Road will be closed at the Expressway. Mud Street is planned to be closed east and west of Pritchard Road and because the study area is designated open space, the Region also planned to close Mountain Brow Boulevard north of Albion Falls (See Map No. 3 - Road Pattern). An overpass at a total cost of \$2,000,000 (Provincial portion \$1,400,000, Region's portion \$600,000) is planned for Pritchard Road. The possibility of deleting the Pritchard Road overpass and leaving Mountain Brow Boulevard open under the open space option was investigated. However, the Freeway Project Office advises that the overpass is needed because it will provide:

- access both east and west for the existing residences and/or the open space area; and,
- access from the west during construction of the Expressway because Mud Street must be closed.

Also, the overpass is scheduled to be constructed as part of the east-west portion of the Expressway in 1996 or 1997. It is unlikely that the area could be completely converted to open space by this time. Therefore, the Pritchard Road overpass is included in all of the options.

Cost of Servicing

Water

Water is currently trucked to the existing residences at a cost to the City of approximately \$25,000 per year. The owner's contribution is equivalent to the non-meter water rates throughout the City of Hamilton. A request was made by three residents in the study area (36, 52 and 56 Mud Street) to extend the Regional watermain to their properties. The Region agreed to this request if the residents were prepared to pay the full cost of the extension (\$134,000). When informed of this cost, the residents withdrew their request.

The 14 residences in the area can be serviced by a 200 mm diameter watermain extended from the existing Arbour Road watermain to Mud Street, along Mud Street to Pritchard Road and south on Pritchard Road approximately 200 metres (See Map No. 4b - Servicing: Watermains). The total cost of this work is estimated at approximately \$340,000. This watermain could be installed under the Local Improvement Act which requires the property owner to pay \$99 per metre of frontage plus the service connection cost of \$1,200. The owner's share of this cost estimate is projected at \$90,000, leaving the Region's share at

approximately \$250,000. A request would have to be made to the Region so that the watermain could be considered in their Capital Budget process.

The installation of municipal water could eventually increase pressure and requests for full municipal services (sanitary and storm sewers) in the area. Residential development at densities greater than those that already exist in the study area would require the watermain be looped for security of water supply and fire flow capacity at an additional cost of \$220,000 for a total cost of approximately \$470,000 (including Local Improvement Charges).

Sanitary Sewers

If requested, the existing residences and/or future residences can be serviced with either a 250 mm diameter gravity sewer system (Option 1) or a combination gravity/forcemain system (Option 2) (See Map No. 4a - Servicing: Sewer Pipelines). Option 1 is estimated to cost approximately \$822,000, but would require the crossing of an environmentally significant area (ESA) to the west. This would require an easement and it would likely be difficult and time consuming to obtain the necessary agency approvals to cross the ESA. Option 2 would not require crossing the ESA, but is estimated to cost approximately \$1,280,000. Sanitary sewers have not been requested by the residents in the area, but installation of sanitary sewers could increase pressure for residential development and full urban services in the area.

Storm Sewers

A storm sewer system is required if existing and future streets are to be constructed to full urban standards, i.e., without roadside ditches. Addition of storm sewers would increase the cost of servicing by approximately \$400,000.

In summary, the cost of servicing this area with water and sanitary sewers just for the existing residences is approximately \$1,160,000. Full services in the area to permit large scale residential development would cost in the order of \$1,560,000 to \$2,020,000.

Cost and Funding of Property Acquisition in the Study Area

The City currently owns six properties totalling 17.7 acres (55% of the study area). Acquisition and demolition of the 16 properties (14.6 acres) not currently owned by the City on a willing buyer/seller basis, (i.e., not expropriation), is estimated to cost in the range of \$2,790,000. The Board of Education has no immediate plans to develop their property (5.4 acres) for a school site. Based on the small size and location of the site adjacent to the Expressway route, it is unlikely this site will be developed as a school.

If the 14 residential properties are serviced with a watermain prior to their purchase by the City or other public body, only a nominal increase in their market value is expected. However, the installation of piped water could increase water usage and eventually pressure and requests for the installation of sanitary sewers. Certainly, the installation of sanitary sewers would increase the market value of these properties.

The purchase of residential properties for conversion to open space in the Albion Falls area could be financed from three sources:

- 1) the 5% Parkland Dedication Reserve Fund;
- 2) the sale of lands in the City owned subdivision to the east of the study area; or,
- 3) a general tax rate increase or the issuance of debentures.

In 1988 and 1989, three properties with a total purchase price of \$786,000, were purchased in the area utilizing the Parkland Dedication Fund and set aside for open space purposes. This fund does not presently contain sufficient monies to be a viable option for significant expenditures in the Albion Falls area, without having a significant impact on the ability to finance other potential parkland acquisitions in the City. Funds for park acquisition have already been spent for 1994 and 1995. The priority for parkland acquisition is for neighbourhood parks, and not open space.

As stated earlier, the City passed a resolution that would see proceeds from the sale of lots in a City owned subdivision to the east used to purchase properties in the Albion Falls Acquisition Area for open space purposes. A Draft Plan of Subdivision has been prepared and the proposed subdivision is expected to yield approximately 86 single-family lots. Based on current market value, revenues from the sale of these lots would be in the order of \$2,400,000. Actual net revenues cannot be determined until all hard servicing costs are finalized.

The net proceeds from the City owned subdivision would cover the cost of purchasing the required properties in the study area, with an estimated shortfall of \$400,000. Realistically, the sale of lots in the City owned subdivision will not commence until at least the Spring of 1997. Therefore, full proceeds from the sale would not be realized until well into 1998. Consequently, the sale of lots in the City owned subdivision will not provide a financing vehicle for the purchase of properties for open space in the Albion Falls area until 1997-1998.

Open Space in the Albion Falls Area

Ward 6 contains approximately 294 acres of City owned parkland. Fourteen parks containing 184 acres (63% of total) are classified as active/sports type and five parks containing 110 acres (37% of total) are classified as passive/natural type. Of these five parks, two (6 acres) are community parks. The other three open space areas (104 acres), including Albion Falls Park, Escarpment Ward 6, and Mountain Brow Park East, are classified as city wide parks.

Redhill Valley Interpretive Centre/Restaurant With A View

The Province of Ontario recently announced funding for an interpretive centre to be located in or near the Redhill Valley. Due to its location, view, and natural link to the Redhill Valley, the open space area at Albion Falls could be considered as a potential site for the interpretive centre along with several other sites in and around the Valley. Depending on the amount of funding for the interpretive centre and the nature of the centre, there may be the possibility that a portion of the funds provided by the Province could be used for property acquisition. Details are not yet available from the Province regarding how the location decision for the interpretive centre will be made.

The study area was also identified as a potential site for an escarpment restaurant in both the previous and current Restaurant With a View Study. There may be some potential to combine the restaurant and interpretive centre in one location. Depending on the size and nature of such a building, the need for municipal (water, sanitary sewer, road access) and other services could become a consideration in planning for the area.

SECTION 3 LAND USE OPTIONS AND EVALUATION

This Review essentially presents two options for the study area:

- i) retention of the existing open space designation; or
- ii) designation and use of these lands for residential purposes.

For each of these two options there are various sub-options that will be investigated, but ultimately, from a planning perspective, one of the two options should be chosen so as to eliminate any uncertainty that may have developed with respect to the planning for this area. All of the sub-options are described and evaluated below. Table 1 contains a summary of the options along with costs/savings to the City and the Region and an evaluation of each option.

3.1 Option 1 - Retention Of The Existing Open Space Designation

Since the area is designated "Open Space" in the City of Hamilton Official Plan, this option represents a reconfirmation of existing planning policies. The Official Plan does not obligate the City of Hamilton to purchase lands designated open space. Nonetheless, if this area is to be utilized as open space, then the properties in question will eventually have to be purchased and converted for such purposes by a public body. The City has indicated its desire to purchase these properties for open space, and has in the past purchased several properties. It should also be noted that the Hamilton Region Conservation Authority (HRCA) strongly supports use of this area as open space and is opposed to its use for residential purposes.

One of the potential disadvantages in all of the open space options in this section is that one or more of the 14 residents and/or the School Board may not be willing to sell their properties. This would hinder the City's attempts to purchase all the properties in a timely fashion. If one or more residential properties remain, this could compromise the integrity of the open space area. In cases where the City cannot purchase properties on a willing buyer-willing seller basis, expropriation may become an option.

The five options outlined below provide for conversion of the residential properties to open space to varying degrees. Options 1A, 1B and 1C propose conversion of the entire study area to open space usage, while Options 1D and 1E represents a split between open space and residential use.

Option 1A - Open Space With No Municipal Water

This option involves retaining the open space designation in the area. The 14 private residential properties and the Board of Education site would be purchased by the City. The residences would be cleared and the entire study area would be converted to open space. The cost to the City to purchase all the properties and convert them to open space is estimated at approximately \$2,790,000. The intended funding source is the sale of lots in the City owned subdivision. At the current market value, the sale of all 86 single family lots in this subdivision would yield net revenues of approximately \$2,400,000.

Because funds are not currently available in the Parkland Dedication Fund, purchase of residential properties in the study area in the next three to four years will require some form of bridge financing, e.g., debentures or a general tax rate increase. When proceeds from the City owned subdivision become available in three to four years, they can be used to repay the bridge financing. This option would require bridge financing of approximately \$2,790,000.

As each residential property is purchased by the City, the trucking of water to the property can be eliminated, resulting in a cost savings to the City. However, it is estimated that purchase of all the residential properties on a willing buyer-willing seller basis could take several years. Therefore, the full cost savings of \$25,000 per annum from eliminating the trucked water service would not be realized for some time.

Evaluation

Option 1A is clearly the preferred option in terms of conformity to existing planning policies and resolution of the servicing issue. It provides for the conversion of the entire study area to open space, thereby providing:

- i) an open space link between the Redhill Valley and open space to the west;
- ii) an opportunity for pedestrian trails and active and passive recreation;
- iii) buffering and protection of the Escarpment and Albion Falls from the effects of the Expressway and residential development; and,
- iv) a possible location for a Redhill Valley interpretive centre and/or restaurant.

There is also an intrinsic value to providing open space for neighbourhood and city residents that cannot be assigned a monetary value. This value applies to all the options in this section that provide for open space.

The cost of option 1, at almost \$2,800,000 is significant. Assuming net revenues from sale of lots in the City owned subdivision to the east at \$2,400,000, there is a shortfall of approximately \$400,000. It will take at least three to four years before lots are sold in this subdivision, and these funds become available. Therefore, if an earlier resolution to this issue is desired, an interim funding source has to be identified. As stated earlier, funds are not available in the Parklands Dedication Reserve Fund without affecting the ability to finance other potential parkland acquisitions in the City.

If an interpretive centre and/or restaurant is located in the study area, the extension of the watermain may become necessary in the future if such a facility should require municipal water. However, this extension would only run approximately 150 metres north on Arbour Road and then onto the site. Because it is a short extension, it would cost significantly less than the estimate of \$340,000 for all 14 residential properties, and somewhat less than the estimate of \$134,000 for extension of the watermain down Arbour and along Mud Street (3 properties). Also, the watermain would not have to be extended until such time as a final decision is made regarding the location of the interpretive centre and/or restaurant.

Option 1B - Open Space With Municipal Water

Option 1B is the same as Option 1A, except that the watermain is extended to the residential properties prior to their purchase and conversion to open space by the City, i.e., immediately. While the City presently subsidizes the trucking of water to the residential properties, the provision of water services is a Regional responsibility. Discussions with Regional staff concluded that the Region's responsibility to "deliver" water to residents is only in the areas where there are water supply lines. The Regional Municipalities Act allows for the provision of water services within a Region but the Act does not impose an obligation to require the provision of water services to a particular area of a Region upon demand. The Albion Falls area will likely remain in a low position on the Region's waiting list for municipal water services unless elevated through the Region's Capital Budget process.

Evaluation

Extending municipal water now would provide the existing residential properties with municipal water until such time as they are purchased and converted to open space. Because purchasing all 14 properties could take several years, extending the watermain would alleviate the immediate servicing issue. Also, extension of the watermain would provide the City with an immediate cost savings of \$25,000 per year from trucked water.

It is not cost-effective for the City to install a watermain, and then after a few years, purchase the residential properties, demolish and clear the houses and convert the area to open space. Municipal water may only be required if a use such as an interpretive centre and/or restaurant or recreation centre was located there, and it is possible that such a use could be supplied by trucked water. Even so, as mentioned in Option 1A, extension of the watermain for such a use, if required, would be less costly, and could be done at the time it is required.

Extension of the watermain does have other implications. It could result in increased water usage and potential septic system failure, particularly in the heavy clay soils that predominate in the Albion Falls area. Therefore, extension of the watermain could result in pressure for the installation of sanitary sewers, if and when the septic systems fail, and it could also result in pressure for additional residential development.

Under this option, the costs of extending municipal water, both monetary (\$250,000) and in terms of potential pressure for full urban services and further residential development, appear to outweigh the monetary benefits (\$25,000 per year) and the temporary resolution of the servicing issue.

Option 1C - Open Space (Two Phase Approach) With No Municipal Water

This option is the same as 1A, except that the 14 residential properties are purchased in two phases. Initially, the four properties in the western portion of the study area are purchased and converted to open space by the City. These properties are estimated to have a market value of approximately \$786,000. These four properties still provide an open space area, albeit smaller, linking the Valley and the open space to the west of the study area.

Again, some form of bridge financing is required, but the amount to be financed is approximately \$786,000. When funds become available from the sale of lots in the City owned subdivision, the remaining 10 properties in the eastern part of the study area can be purchased by the City and converted to open space.

There is a small cost savings of \$7,100 per year (trucked water) once the four properties are purchased. The remainder of the cost savings on trucked water will come once the other 10 properties are purchased.

Evaluation

This option is merely a phasing of Option 1A and therefore costs the same as 1A. This option presents certain benefits over Option 1A. First, while the four properties in the western portion of the site offer a smaller open space, they still provide an opportunity for location of an interpretive centre and/or restaurant. This two phase approach allows the City to bridge finance a smaller amount, and then wait for the subdivision to the east to develop and provide the funds needed to purchase the remaining lands for open space. The remaining 10 residential properties will remain without municipal water until they are purchased and this could be a period of several years.

This option also presents certain disadvantages. Namely, some of the owners of the remaining 10 properties to be purchased during the second phase may want to sell sooner, and some owners in the first phase may want to sell later. In this case, it would actually take longer to purchase all the properties in the area under the phased approach because the City would have to purchase the four residential properties in the western portion of the site before purchasing the remaining 10 residential properties in the eastern portion of the site. Also, this approach does not treat the residents the same with respect to the City's desire to purchase their properties for open space on a willing buyer-willing seller basis. This is not necessary and not advisable.

Depending on the use of this smaller open space in the future, the City could opt not to purchase the remaining residential properties and at the time this decision is made, designate them for residential use. However, waiting until the four properties are purchased to designate the remaining residential properties for residential use could create a level of uncertainty in the planning for the area, and this is not advisable.

This option is essentially the same as Option 1A. It provides the City with greater flexibility regarding bridge financing. But, it also restricts the properties to be purchased in the first phase and treats the property owners in the study area differently vis-a-vis the City's position on purchase of their properties.

Option 1D - Mix of Open Space and Residential With No Municipal Water

This option represents a compromise between open space and residential uses in the study area. The four properties in the western portion of the study area would be purchased (\$786,000) and converted to open space. Again, there is a small cost savings of \$7,100 per year due to the elimination of trucked water once the four properties are purchased.

The Official Plan designation and zoning on the remaining 10 properties would then be modified to permit existing residential uses, but no additional development. This could be done by use of a special policy area in the Official Plan. Water would continue to be trucked to these 10 properties indefinitely.

Evaluation

This option really divides the study area into two halves with the eastern half for residential use and the western half for open space. While this open space (11.6 acres) is smaller than what could be achieved with the entire study area (32.4), it does provide an open space link. Purchase of the Board of Education site (5.4 acres) would expand the open space area to 17 acres and should be considered as a further step once the four residential properties are purchased.

The 7.5 acre City owned parcel east of Pritchard Road would be separated from the rest of the open space lands, and would therefore become unusable for either passive/active open space or residential purposes.

Although the four properties in the western portion of the site would be purchased, there will likely still be concerns among the remaining residents regarding servicing. The continued trucking of water presents several problems. First, because these properties would be designated and zoned for residential use, there is a much better argument for the provision of municipal water services. Also, paying \$17,900 per year for trucked water is not cost effective over the long run (at least 15 years), compared to the cost of extending the watermain. Therefore, if the remaining 10 properties are to be recognized in the Official Plan for residential use and remain for this purpose, the watermain should be extended to these properties. This option is explored under 1E and is preferred to option 1D.

Option 1E - Mix of Open Space and Residential With Municipal Water

This option is the same as 1D, except that municipal water is extended to the remaining 10 properties. While there is an added cost to the Region of \$250,000, there is an immediate cost savings of \$25,000 per year to the City on trucked water. Also, the properties recognized as residential uses in the Official Plan will have municipal water.

Evaluation

The problem with these 10 properties receiving municipal water is that there may be increased water usage and possible septic system failure. Therefore, there may be requests for sanitary sewer services and further residential development to justify the huge cost (approximately \$1,000,000) of these services. Again, the 7.5 acre City owned parcel east of Pritchard Road would be separated from the rest of the open space lands and would therefore become unusable.

This option does not fully resolve the land use and servicing issues. The 10 remaining residents may still request that the City purchase their properties, or they may still request sanitary sewers at some point in the future.

Nonetheless, extension of municipal water to the remaining 10 residences should be predicated on the understanding that further residential development will not be permitted and the area will not be serviced with sanitary sewers.

Summary

Options 1A and 1C merit further consideration as options that convert the entire study area to open space. Option 1E merits further consideration as a compromise option that converts part of the area to open space and retains existing residential uses in the remainder of the study area.

3.2 Option 2 - Designation and Use of Lands for Residential Purposes

This set of options involves designating and permitting development of the study area strictly for residential purposes. This would require a change to the Official Plan and zoning by-law and provision of at a minimum piped water. The density of residential use could range from the existing density (on septic systems) to much higher densities (on sanitary sewer). The options outlined below provide for the conversion of the entire area to residential use in various densities depending on the sewage disposal method utilized.

Under this set of options, the opportunity to utilize the area for open space, along with the intrinsic value associated with this, is lost.

Option 2A - Existing Residential With Municipal Water

Option 2A basically involves changing the Official Plan and zoning by-law to permit the existing situation. The study area would be designated and zoned for residential use. However, the City would not permit any further residential development in the study area. The area would essentially be frozen at existing densities. Because the area would be designated in the Official Plan for residential use, there would be more pressure to extend municipal water to the existing residents and this should be done.

Evaluation

While this option provides municipal water to residents, like any option that involves extending municipal water, it could encourage greater use of water and possibly septic system failure. Again, this could increase pressure for sanitary sewers and further residential development. Also, the City owned properties in this area (18 acres) cannot be developed for open space or residential purposes. There are several major disadvantages with this option and it does not provide the City with any significant benefits.

Option 2B - Additional Residential (on Septics) With Municipal Water

Option 2B is the same as 2A, except that it permits additional residential development on septic systems based on a minimum 2 acre lot size (as specified by the Region's Department of Public Health). None of the privately owned properties are large enough to sever a lot under this condition.

The City owns approximately 18 acres and could develop eight, 2 acre lots based on septic systems. It would cost the City approximately \$80,000 to install these septic systems. Sale of the eight City owned lots would gross approximately \$800,000 to \$1,000,000. But, when the value of the raw land (estimated at \$100,000 per acre), is subtracted from the gross revenues, there would likely be a net loss to the City.

Evaluation

Several disadvantages are associated with this option and there is the potential for a net financial loss to the City due to the small scale of development.

Option 2C - Residential Subdivision on Full Services

This option represents full scale residential development in the area. The Official Plan and zoning by-law would have to be changed to permit low to medium density residential for this area at the edge of the Escarpment. The 200 mm watermain must be looped to ensure security of water supply and fire flow capacity. This adds \$220,000 to the \$250,000 cost. Sanitary sewers must be installed at a cost of \$822,000 to \$1,280,000 depending on the route chosen. Storm sewers add \$400,000 to the cost of servicing. The total cost to service the area, estimated at 60% of gross revenues, is approximately \$4,520,000.

Based on a density of 6 single family lots per acre, the City could develop approximately 108 lots on its lands and another 32 single family lots could be developed on privately held lands for a total of 140 single family lots. Based on a current average market value of \$70,000 per lot, the sale of the City owned lots would provide gross revenue to the City of approximately \$7,535,000. When the costs of servicing (\$4,520,000) and the raw value of the 18 acres of land (estimated at \$100,000 per acre) are subtracted from gross revenues, the City can expect to net between \$750,000 and \$1,200,000.

Evaluation

This option provides full services to existing residents, but these residents will likely be required to pay a portion of these costs under the Local Improvement Act. While the gross revenues to the City from the sale of over 100 lots are substantial, the actual net financial benefit could be less than \$1,000,000, and this does not include the staff time and resources required to prepare and get approval for the subdivision. This subdivision would increase the demand for soft services such as policing, fire protection, recreation centres and schools and this represents an added cost to the City. The City would also have to obtain funding for the installation of services for this area while it is already in the process of developing an 86 lot subdivision just to the east.

The subdivision proposed in this option would be bounded by the Expressway to the south and it would actually be dissected by an Expressway overpass in the eastern quadrant. While some lots would have a scenic view to the north, the sale of lots in the interior and southern portion of the subdivision, representing most of the lots, could be difficult. This scale of residential development would necessitate leaving Mud Street and Mountain Brow Boulevard open to provide a second access point in addition to the Pritchard Road overpass. Finally, a large residential subdivision in this location would permanently remove any possibility of utilizing this unencumbered property or part of the property for open space and linkage to the Valley, as was originally intended.

Summary

Options 2A, 2B and 2C are not recommended for further consideration due to their disadvantages and costs.

SECTION 4 CONCLUSION

Based on the evaluation conducted in this report, options 1A (all open space - no municipal water), 1C (all open space - no municipal water - phased approach) and 1E (mix of open space and residential - municipal water) are the only options that should be considered for the study area. Options 1A and 1C involve conversion of the entire study area for open space purposes. Option 1E involves converting part of the study area to open space and legitimizing the rest of the area for existing residential uses through a change in planning policies and the extension of municipal water to these residences.

The difficulty with Option 1E (open space and residential) is that it provides only a short term solution to the servicing and land use issues. First, a smaller open space link does not provide for the intended size and nature of open space or level of protection and buffering for the Albion Falls area. While this option may alleviate the servicing issue in the short term, the land use conflict between open space and residential uses will likely continue because the 10 residential properties would remain. These residents may still request that the City purchase their properties or provide an increased level of services.

Extension of the watermain to these residences could result in increased water usage and possibly septic system failure. This has happened in other parts of the Region, particularly in areas with heavy clay soils, as is the case in Albion Falls. This could lead to requests from the residents for sanitary sewers. The cost of installing sanitary sewers is in the range of \$1,000,000 and this could result in pressure for full scale residential development in order to justify these costs.

Therefore, Option 1E (mix of open space and residential uses) does not represent a long term solution to the servicing and land use issues in the Albion Falls area. The potential future costs to the City and other disadvantages associated with this option outweigh any potential benefits.

Option 1A proposes the purchase of all the properties in the study area on a willing buyer-willing seller basis. Option 1C proposes a phasing of Option 1A with four residential properties (western portion) purchased in the first phase, and ten residential properties purchased in the second phase. Option 1C provides the City with greater flexibility in timing and funding of the property acquisition. However, this phased approach could actually result in a more lengthy and difficult purchase process for the City if one or more residents in the first phase is not willing to sell. Also, the phased approach treats residents in the study area differently with respect to the City's desire to purchase their properties for open space on a willing buyer-wiling seller basis. This is not necessary and not advisable. Therefore, Option 1A (all open space - no municipal water) is preferred to Option 1C (all open space - no municipal water - phased approach)

Because Option 1A resolves the servicing issue in the area and accomplishes the open space goals established in the Official Plan, it is recommended as the preferred option. Bridge financing for at least part of the total required purchase amount (\$2,790,000) will have to come from debentures or a general tax rate increase.

Once proceeds from the sale of lots in the City owned subdivision to the east begin to accumulate, these proceeds should be used to pay down the debenture, i.e., repay the bridge financing. There may still be some shortfall (estimated at approximately \$400,000) between the cost of purchasing the required properties for open space and the proceeds from the City owned subdivision. The exact amount of this shortfall, if there is one, cannot be determined until all proceeds from the subdivision and costs for land purchases are known.

Table 1

Option

Description

Albion Falls Neighbourhood - Comparison of Options

Advantages

Disadvantages

Direct Cost
to the City/
(Region)Direct Savings
to the City/
(Region)

Retain "Open Space" designation

Purchase 15 properties and convert area to open space

1A*

\$2,790,000
(estimated market
value)

Eliminate trucked water service as properties are purchased

\$25,000 per annum

- Watermain does not have to be extended
- Cost savings from eliminating trucked water
- Use of area as open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant
- Fully resolves land use and servicing issue
- Intrinsic value of open space property
- Cost/funding to purchase 15 properties
- Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away
- Will take several years to purchase all 15 properties and eliminate trucked water service - full cost savings of \$25,000 per annum not realized for several years
- All residents may not be willing to sell on a willing buyer-willing seller basis

TOTAL

\$2,790,000 (City)

\$25,000 per annum
(City)

1B*

Retain "Open Space" designation

(Same as 1A, except watermain extended prior to purchase of residential properties for open space)

Eliminate trucked water service

Purchase 15 properties and convert area to open space

\$250,000 (Region)

\$25,000 per annum

\$2,790,000
(estimated market
value)

- 14 residences supplied with municipal water until they are purchased
- Cost savings from eliminating trucked water once watermain extended
- Use of area as open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant
- Intrinsic value of open space property
- Cost/funding to purchase 15 properties
- Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away
- Possible pressure for sanitary sewers and further residential development once municipal water extended
- If municipal water not required once properties converted to open space, expenditure of \$250,000 is wasteful
- All residents may not be willing to sell on a willing buyer-willing seller basis

TOTAL

\$2,790,000
(City)\$25,000 per annum
(City)

\$250,000 (Region)

* For more detailed description, see Section 3

Table 1

Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
IC* (Same as 1A, except 14 properties purchased in two phases)	Retain "Open Space" designation			<ul style="list-style-type: none"> Watermain does not have to be extended 	<ul style="list-style-type: none"> Initially smaller open space area/link
	Purchase 4 properties in western portion of area and convert to open space	\$786,000 (estimated market value)		<ul style="list-style-type: none"> Small cost savings from eliminating trucked water service to 4 properties 	<ul style="list-style-type: none"> Funding still required for initial purchase of 4 properties
	Eliminate trucked water service to 4 properties purchased		\$7,100 per annum	<ul style="list-style-type: none"> Lower cost to purchase 4 properties and still provides open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant 	<ul style="list-style-type: none"> 10 residential properties remain without municipal water until such time as they are purchased/converted for open space
	Remaining 10 properties eventually purchased by City and converted to open space	\$2,004,000 (estimated market value)			<ul style="list-style-type: none"> Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away
	Eliminate trucked water service to remaining 10 properties		\$17,900 per annum	<ul style="list-style-type: none"> Allows City time to raise funds for purchase and conversion of remaining 10 properties to open space 	<ul style="list-style-type: none"> Will likely take several years to purchase remaining 10 properties
	TOTAL	\$2,790,000 (City)	\$25,000 per annum (City)	<ul style="list-style-type: none"> Fully resolves land use and servicing issue Intrinsic value of open space property 	<ul style="list-style-type: none"> All residents may not be willing to sell on a willing buyer-willing seller basis
ID*	Purchase 4 properties in western portion of area and convert to open space	\$786,000 (estimated market value)		<ul style="list-style-type: none"> Watermain does not have to be extended 	<ul style="list-style-type: none"> Smaller open space area/link
	Eliminate trucked water service to 4 properties purchased		\$7,100 per annum	<ul style="list-style-type: none"> Small cost savings from eliminating trucked water service to 4 properties 	<ul style="list-style-type: none"> Funding still required for purchase of 4 properties
	Change Official Plan and zoning by-law to permit existing residential uses on remaining 10 properties			<ul style="list-style-type: none"> Lower cost to purchase 4 properties and still provides open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant 	<ul style="list-style-type: none"> Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away 10 residential properties remain without municipal water
	TOTAL	\$786,000 (City)	\$7,100 per annum (City)		<ul style="list-style-type: none"> 7.5 acre City property east of Pritchard Road unusable All residents may not be willing to sell on a willing buyer-willing seller basis

* For more detailed description, see Section 3

Table 1

Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
1E*	Purchase 4 properties in western portion of area and convert to open space	\$786,000 (estimated market value)		<ul style="list-style-type: none"> Lower cost to purchase 4 properties and still provides open space, link between Valley and open space to west, and opportunity for location of interpretive centre and/or restaurant 	<ul style="list-style-type: none"> Smaller open space area/link
	(same as 1D, except eliminate trucked water service to 4 properties purchased to remaining 10 watermain extended				
	Extend watermain to remaining 10 properties	\$250,000 (Region)		<ul style="list-style-type: none"> 10 residences supplied with municipal water 	<ul style="list-style-type: none"> Funding still required for purchase of 4 properties
	Eliminate trucked water service to remaining 10 properties		\$25,000 per annum	<ul style="list-style-type: none"> Cost savings from eliminating trucked water once watermain extended 	<ul style="list-style-type: none"> Timing of revenue from sale of lots in City owned subdivision to east at least 3 to 4 years away
	Change Official Plan and zoning by-law to permit existing residential uses on remaining 10 properties				<ul style="list-style-type: none"> Possible pressure for sanitary sewers and further residential development once municipal water extended and 10 properties designated/rezoned for residential development
				<ul style="list-style-type: none"> 7.5 acre City property east of Pritchard Road unusable 	
				<ul style="list-style-type: none"> All residents may not be willing to sell on a willing buyer-willing seller basis 	
TOTAL		\$786,000 (City)	\$25,000 per annum (City)		
		\$250,000 (Region)			

* For more detailed description, see Section 3

Table 1

Albion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
2A*	Change Official Plan and zoning by-law to permit existing residential uses in area			<ul style="list-style-type: none"> Provides municipal water service to residents 	<ul style="list-style-type: none"> City and privately held land cannot be developed
	Extend watermain to existing 14 properties	\$250,000 (Region)			<ul style="list-style-type: none"> Possible pressure for sanitary sewers and further residential development once municipal water extended
	Permit no additional residential development on City or privately owned lands				<ul style="list-style-type: none"> Loss of area for open space and as possible location for interpretive centre and/or restaurant or recreation centre
	TOTAL	\$250,000 (Region)	\$0 (City)		
2B*	Change Official Plan and zoning by-law to permit existing residential uses in area			<ul style="list-style-type: none"> Provides municipal water service to residents 	<ul style="list-style-type: none"> City and privately held land cannot be fully developed
	Extend watermain to existing 14 properties	\$250,000 (Region)		<ul style="list-style-type: none"> Net revenue to City = approximately \$720,000 to \$920,000 less value of raw land (16 acres at approximately \$100,000 per acre) 	<ul style="list-style-type: none"> Possible pressure for sanitary sewers and further residential development once municipal water extended
	Permit no additional residential development on City or privately owned lands unless on 2 acre lots (specified by Health Department)			Net revenue to City is nil (actually negative)	<ul style="list-style-type: none"> Loss of area for open space and as possible location for interpretive centre and/or restaurant or recreation centre
	Subdivide/sever to create 8 City owned lots				
	Install septic on 8 City owned lots	\$80,000			
	Sell 8 City owned lots		\$800,000 to \$1,000,000 from sale of lots		
	TOTAL	\$80,000 (City) \$250,000 (Region)	\$800,000 to \$1,000,000 (City)		

* For more detailed description, see Section 3

Table 1

Aldion Falls Neighbourhood - Comparison of Options

Option	Description	Direct Cost to the City/ (Region)	Direct Savings to the City/ (Region)	Advantages	Disadvantages
2C*	Change Official Plan and zoning by-law to permit residential uses in area			<ul style="list-style-type: none"> Provides full services to existing residences Net revenue to City = approximately \$3,000,000 less value of raw land (approximately \$1,800,000 to \$2,250,000) and staff time required to prepare plans 	<ul style="list-style-type: none"> Loss of area for open space and a possible location for interpretive centre and/or restaurant or recreation centre (libraries)
	Watermain extension must be looped	\$470,000			
	Install sanitary sewers	\$822,000-\$1,280,000		Net revenue to City of approximately \$750,000 to \$1,200,000	
	Install storm sewers	\$400,000			
	Sale of approximately 108 City owned single family lots		\$7,535,000 (gross revenue)		
	TOTAL	\$4,520,000 (City) (Estimated at 60 % of gross revenue)	\$7,535,000 (gross revenue) (City)		

* For more detailed description, see Section 3

Appendix 1 - Terms of Reference

MODIFIED NEIGHBOURHOOD PLAN REVIEW

ALBION FALLS NEIGHBOURHOOD

BACKGROUND:

Location:

The Albion Falls neighbourhood is located on the east mountain between the Escarpment, Stoney Creek boundary, Stone Church Road east, and the CNR rail line. However, the area subject to the modified Neighbourhood Plan Review is only a portion of the Neighbourhood. The subject lands are bounded by the escarpment, Pritchard and Arbour Roads and the Expressway alignment.

Existing Land Uses:

There are approximately 17 single-family dwellings in the area, as well as other vacant lands. They are currently unserviced; water, subsidized by the City, is trucked in the and sewage disposal system is through the use of septic tanks.

There are a number of land owners within the area including the Region, City, Board of Education and private persons.

Purpose of the Study:

A request has been made by the Ward 6 Aldermen to undertake a modified Neighbourhood Plan review. The impetus behind the request is a result of a few factors:

- the delay in the implementation of the open space acquisition;
- the delay in the development of the subdivision on the north side of Mud street adjacent to the City of Stoney Creek boundary for offsetting the cost of purchasing the open space lands;
- a request by an owner for the City to purchase her lands; and,
- a request by area residents to have the lands serviced.

Planning Policies:

1) Official Plan

The subject lands are designated OPEN SPACE. The primary use permitted in OPEN SPACE are undeveloped and developed parks; parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses; horticultural nurseries, forestry and wildlife management areas and hazard lands.

2) Neighbourhood Plan

The Albion Falls Neighbourhood Plan was approved by City Council in 1982. The "Open Space" designation on the Plan is consistent with the Official Plan. There were a number of reasons for this designation are as follows:

- this area would be isolated when the expressway was constructed;
- it would also serve as a noise buffer between the freeway and residential lands to the north;
- the lack of municipal services;
- it was a logical extension of the valley;
- its proximity to the escarpment; and,
- these lands provided a link between the Kings Forest area and the open space west of Arbour Road, emphasizing continuous pedestrian trails and providing active and passive recreation.

This area is earmarked as a potential site for a restaurant in the Neighbourhood Plan.

3) Development Control (Niagara Escarpment)

Some of the lands are under the jurisdiction of the Niagara Escarpment Commission. In this regard, any development would require a permit from the NEC.

4) Zoning By-law No. 6593

The remaining lands are under the jurisdiction of the City of Hamilton's Zoning By-law. The lands are zoned "AA" (Agricultural) District. The permitted uses include: single-family dwellings (minimum lot size); school, day nursery, hospital, farming, etc.

MODIFIED NEIGHBOURHOOD PLAN REVIEW:

The Review is limited in scope because of the land use options that are to be considered. From a planning perspective, two possible land use options will be examined:

- 1) the retention of the existing OPEN SPACE designations; or
- 2) the use of these lands for residential purposes either by recognizing existing uses and/or allowing additional residential uses.

Because of the limited number of issues to deal with, a citizen advisory committee is not warranted. However, once a report on the land use is available and if changes to the Plans are desirable, it will be discussed with the area residents and other departments and agencies.

Notwithstanding the two land use options, a cost benefit analysis of the most viable land use option will be undertaken. The analysis would include:

- the purchase of these lots with the monies being advanced through the future sale of the residential lots in the proposed subdivision on Mud Street and the time frames for sale of the lots;
- the cost of purchasing the homes with and without servicing;
- the cost of purchasing publically owned lands;
- the cost of servicing; and,
- the Province's direction vis a vis the funding of an interpretative centre and the disposition of the valley.

a) Staffing and Timing

The variety of factors to be considered with in the context of the review will require the assistance of the Treasury, Property, Freeway Office, Health, and Environmental Services Departments. The majority of the work will be completed by the Planning and Development department.

Director of Local Planning	1 day
Division Head, Policy and Neighbourhood Planning	2 days
Planner	15 days
Cartographic Technician	5 days
TOTAL	23 days (elapsed time)

APPENDIX "A" gives an overview of the timing and the process. It should be noted that if this project is to be completed in 1994, it can be accommodated within the time allocated for demand responsive projects.

JHE
albion.np

Appendix 2 - Planning History

Official Plan

Prior to 1982, the City of Hamilton Official Plan designated most of this area for residential purposes with a strip bordering the escarpment for recreational, civic and cultural uses. The Neighbourhood Plan, adopted in 1982, established the area as open space. The concept of open space had previously been established in the 1970 Draft Official Plan Open Space Report which showed the area as open space and stated:

Albion Falls and the King's Forest Gorge should be developed as one of the main focal points along the Bruce Trail System...

At the Falls, provisions should be made for a pedestrian walk free from vehicular traffic. Such a walkway may be a suspension bridge spanning the gorge.

Neighbourhood Plan

January 1981

A long term proposal was developed by the City Planning and Development Department to utilize this area as open space to provide a natural extension to the RedHill Valley and a link between the Valley and the open space west of Arbour Road owned by the Conservation Authority. This link would emphasize continuous pedestrian trails and provide active and passive recreation opportunities. With construction of the Freeway, the residential area would become isolated. It was also proposed that Mountain Brow Boulevard not be connected with Mud Street so as to eliminate traffic into the most attractive part of Albion Falls and to avoid road improvements in the Albion Falls area. The properties in private ownership would then be acquired, in phases, over time. Funds for the acquisition of the open space were earmarked from three sources:

1. Sale of City owned lands (subdivision) to the east of this area on Mud Street;
2. The 5% park dedication acquisition fund and/or the park acquisition fund;
3. Transfer of funds normally required to provide urban services by the municipality.

March 1981

Planning and Development Committee held a public meeting on the Albion Falls Neighbourhood Plan. Several submissions were received and there were no major objections to the principle of an open space designation for this area. However, some of the major concerns voiced at the public meeting and in submissions included the lack of engineering services, uncertainty regarding future use, poor maintenance of properties, and depreciation of property values

November 1981

Regional, municipal and other public agencies responded favourably to the proposal for open space. The Planning and Development Department report noted that acquisition policies and financing should be tied into the Neighbourhood Plan. It was recommended that the City owned land to the east on Mud Street be sold as soon as possible with proceeds going to the purchase of properties in the Albion Falls acquisition area and that the report be forwarded to the Parks and Recreation Committee to tie in funding for additional acquisitions.

January 1982

City Council adopted the Albion Falls Neighbourhood Plan.

March 1982

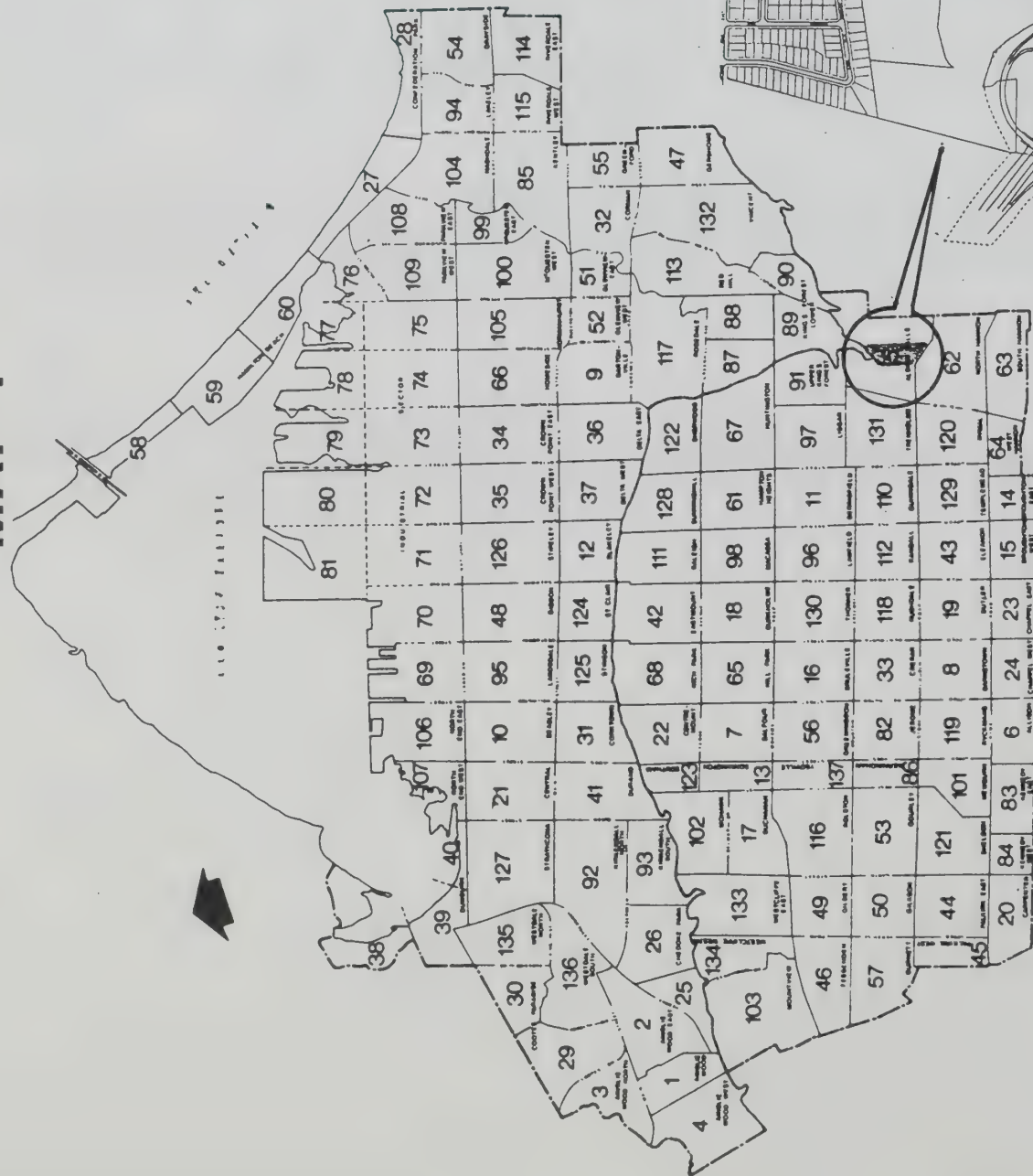
The Planning and Development Committee considered a report from the Planning and Development Department recommending that the current policies for acquisition in the Albion Falls Neighbourhood be retained. The Committee deferred action on this item until more information could be obtained from the Real Estate Department.

May 1982

The Real Estate Department notified the Committee that the acquisition of all properties in the designated area amounts to \$1,800,000. Following a general discussion, the Committee agreed to accept the recommendation of the Planning and Department that the current acquisition policies be retained.

MAPS

City of Hamilton Neighbourhood Location MAP 1

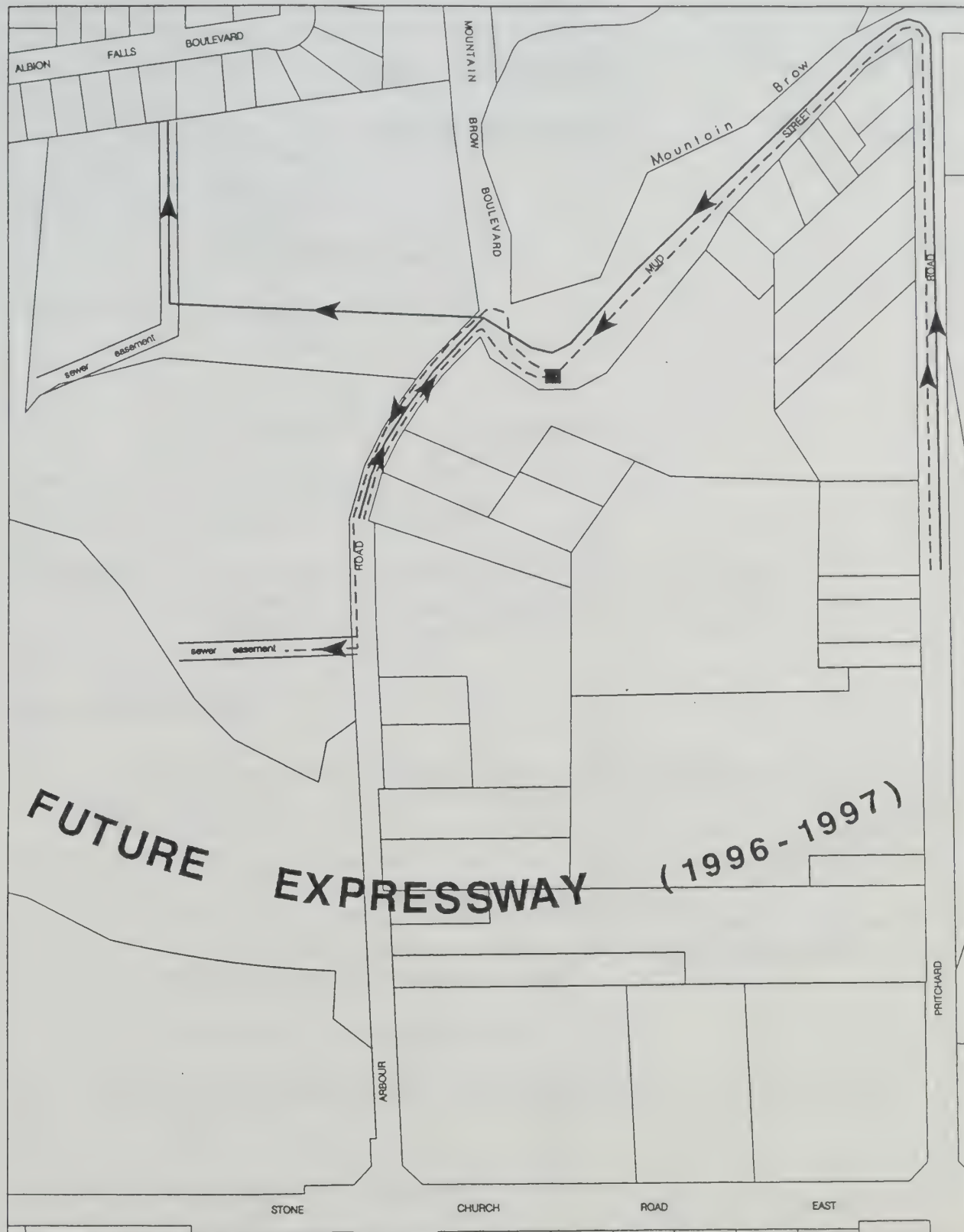


STUDY AREA



..... Proposed Road Closure
 ————— Proposed Overpass
 - - - - - Red Hill Creek Expressway
 Construction Stage
 1996-1997



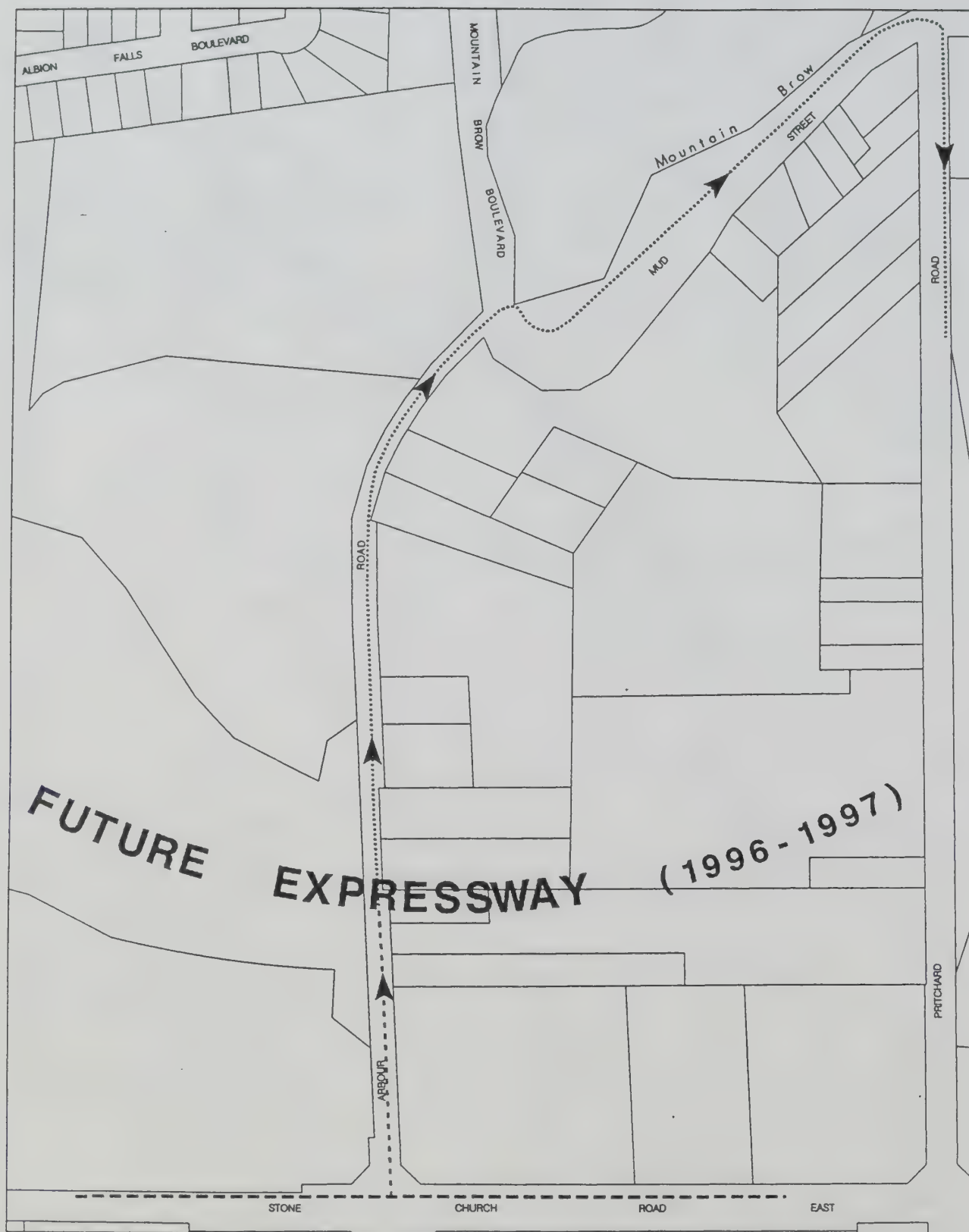


Servicing: Sewer Pipelines (MAP 4a)

- pumping station
- > sewer option 1: gravity system
- -> sewer option 2: gravity / pumped system

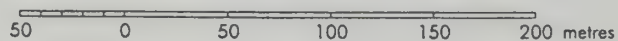


50 0 50 100 150 200 metres



Servicing: Water Mains
(MAP 4b)

- - - - 400 mm existing water
 - - - - 200 mm existing water
 200 mm proposed water



5

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 25
DA-93-29
Thorner Neighbourhood

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

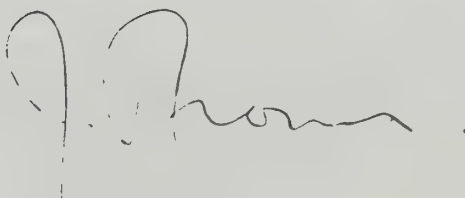
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

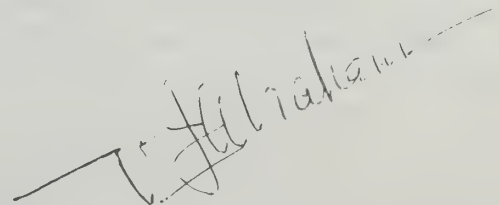
Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Site Plan Control Application DA-93-29 to amend approved plans for an existing gas bar and car wash at 999 Upper Wentworth Street to include access to Upper Wentworth Street.

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-93-29 by D.J.Woods and Petro Canada Products, Lessee for property located at No. 999 Upper Wentworth Street as shown on the attached map, to amend the approved plans for the existing site to include an access driveway from Upper Wentworth Street subject to the following:
 - a) clarification as to the location of an existing tree on the property line proposed to be removed and if within the road allowance obtaining the appropriate approvals with the removal and replacement costs;
 - b) a Driveway Approach Approval; and,
2. That a Site Plan Agreement and securities not be required for the driveway change.





BACKGROUND:

Plans have been submitted to amend the approved plans for an existing gas bar and car wash facility to include an access driveway from Upper Wentworth Street. Minor adjustments to the landscape area and grades will take place. The remainder of the existing site will not be changed.

RESULTS OF CIRCULARIZATION:

- The Building Department has no comment.
- The Traffic Department, in the attached letter, has commented on driveway width, signing, radius, tree location, road taper design, etc. .
- The Roads Department, in the attached letter, has indicated required revisions to the grading plan and details regarding the deceleration lane within the Upper Wentworth Street Road allowance. Revised plans have been submitted to the Departments and are under review and should be to the satisfaction of the Director of Development, Roads Department.
- The Ward Alderman, Alderman Merling, has indicated his opposition to the access due to traffic concerns.

COMMENTS:

The proposed addition of an entrance from Upper Wentworth Street provides only a minor change to the existing site. The existing site landscape treatment requires only a relocation of one tree and removal of another adjacent to the property line. The applicant should confirm the location of the tree to be removed. If the tree is located within the road allowance, appropriate approvals from the Roads Department is required. The applicant may be required to provide removal and replacement costs of the existing tree. The new access requires a Driveway Approach Approval which will include all related details and costs to be provided by the applicant for all works within the road allowance.

Since the change is relatively minor and the access is subject to a Driveway Approach Permit, it is recommended that the Site Plan Control approved plan not be registered on title of the land nor require securities for the paving and curbing changes within the property.



TRAFFIC DEPARTMENT

City of
HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1994 October 25

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA 93-22
999 Upper Wentworth Street

In response to your memorandum dated 1994 September 12, we offer the following.

The proposed driveway should be widened to a minimum width of 5.0m and the design radius for the approach increased as shown on the attached sketch. The applicants should be advised that this design will not accommodate large semi-trailer units and if that was their intention, further modifications will be required. "Do Not Enter" signs should be installed at the eastern end of the new driveway to deter drivers wishing to exit to Upper Wentworth Street. The plan should also be modified to clearly indicate that this will be a standard driveway approach with continuous sidewalks and not a "street type" approach with curb returns.

The plan indicates that a tree located at the entrance is to be removed. The Forestry Section of the Public Works Department must be consulted to determine the ownership of this tree, and if under our jurisdiction, whether removal of this tree will be permitted. No approval of this design should be given prior to this issue being resolved.

We recommend that the design of the proposed storage lane and taper be revised. In discussion with the Regional Roads Department, we have agreed that an 18m parallel right turn lane should be provided with a 30m taper. We believe this design will allow traffic to slow and make their turn while clearing the adjacent through lane.



Should you require any further information, please contact Roland Karl at extension 4583.

Yours truly,

A handwritten signature in dark ink, appearing to be 'M. Main', written in a cursive style.

fr Murray F. Main, P.Eng.
Director of Traffic Services

RK/kg
Attach.

c.c. Mr. E. Chajka, Roads Department

NOV 11 1993

ROADS DEPARTMENT

- MEMORANDUM -

TO: J. Sakala
Planning and Development Department

YOUR FILE: DA-93-29

FROM: Eugene P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0701

PHONE: 546-2809

DATE: November 10, 1993

SUBJECT: Site Plan Control Application DA-93-29 for a proposed access
at 999 Upper Wentworth Street, Hamilton

GRADING AND SERVICING

The grading plan submitted, dated August 17, 1993, will be approved when the following items have been addressed.

- 1) We require an engineers or architects stamp on the submitted plans.
- 2) Please show the geodetic bench mark used to establish elevations on site on the grading plan.
- 3) Show the top of cover elevation on the proposed catch basin in the driveway.
- 4) For the applicant's information, since the proposed catch basin only drains the proposed driveway it could be eliminated by making the 204.50 shown 10.0 metres to the east of the catch basin the high point and draining the remainder into the existing catch basin 22 metres east.

TRANSPORTATION COMMENTS

We have reviewed the above application and provide the following comments:

- 1) The Region previously acquired the required road widenings adjacent to Upper Wentworth Street. Therefore, we do not anticipate any further road allowance widenings at this time.

Cont'd...

-page 2-
November 8, 1993

**Site Plan Control Application DA-93-29 for
a proposed access at 999 Upper Wentworth Street, Hamilton**

Cont'd...

TRANSPORTATION COMMENTS (Cont'd)

- 2) The applicant requires an Approach Approval from the City of Hamilton Traffic Department. As a condition of access approval, we require that the existing taper and deceleration lane on Upper Wentworth Street be reconstructed and extended southerly to provide for the following:
- A minimum of 6.0m of parallel lane extending from the south radius of the proposed access on Upper Wentworth Street southerly.
 - A taper into the deceleration lane from the south end of the parallel lane on Upper Wentworth Street to a point 50m southerly to replace the existing 50m length of taper on Upper Wentworth Street into the right turn deceleration for Limeridge Mall (see plan attached).
 - The relocation for any utilities within the road allowance, relocation of the catch basin etc. and all costs associated with this access construction and associated road works/improvements are the sole responsibility of the applicant/owner. Prior to the issuance of the Approach Approval, we require that the applicant/owner submit detailed engineering drawings to our office for review and approval.
 - The Approach Approval must stipulate that the proposed access from Upper Wentworth Street is a northbound right turn entrance only into the Petro Canada site only. It appears that Petro Canada must make arrangements with Cadillac Fairview to include more lands into their development.
 - The applicant must clearly show, on the engineering drawings, any vegetation/trees within the Upper Wentworth Street road allowance which may be affected/removed from the road allowance as a result of this access approval.
 - The roadway plan submitted by the applicant does not correctly show the length of the existing taper on Upper Wentworth Street and the site and grading plan should be revised to accurately indicate existing conditions.

EH/md
Attach.



CITY OF HAMILTON
- RECOMMENDATION -

6a

DATE: 1994 October 17

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
68 KING STREET EAST (Victoria Hall) - Tag Number 92791
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized and directed to refuse to issue the demolition permit for 68 KING STREET EAST pursuant to the provisions of The Ontario Heritage Act.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: I (Map E-4)

PRESENT USE: Commercial

PROPOSED USE: Vacant

BRIEF DESCRIPTION: L.A.C.A.C. has recommended that the 180-day delay of demolition be applied to 66 - 68 King Street East in accordance with the provisions of Section 34 of The Ontario Heritage Act.

The owner of the property as per the demolition permit is:

Bertic Corporation
3 Fifeshire Road
Willowdale, Ontario

SH/zr

66

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 October 13

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Victoria Hall, 68 King Street East - 180-day Delay of Demolition

RECOMMENDATION:

- a) That the 180-day delay of demolition be applied to the designated property at **68 King Street East** (Victoria Hall) in accordance with the provisions of Section 34 of the Ontario Heritage Act and that the City Solicitor be authorized and directed to take the necessary action; and
- b) That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that Victoria Hall be evaluated for recognition as a National Historic Site.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

An application to demolish this designated building, and the adjacent Mackay Building at 66 King Street East (listed only) was submitted to the Building Department on August 16, 1994. Although the Mackay Building has no legal protection from demolition, the two buildings are connected on the interior and therefore are being treated as a single building, for the purposes of the demolition permit application. As a result, both buildings would be protected by the 180-day delay of demolition applicable to Victoria Hall.

The application of this 180-day delay of demolition is a standard procedure to provide the necessary time to investigate alternatives to demolition.

An action committee set up by LACAC met with the representatives of the owner, Grail Investments Ltd. (Sven Grail and realtor Jack Harvey) on September 20 to discuss the situation and take initial steps towards working out a solution satisfactory to the owner and the City (i.e. relieving the owners of their financial burden while preserving the buildings for adaptive re-use). Jack Harvey indicated that the sale of the two buildings was still an option, if an offer acceptable to the owners were to be made. Alderman McCulloch raised the possibility of the City purchasing the buildings, in anticipation of a demand for office space in close proximity to the new Hamilton Courthouse (scheduled for completion in 1996).

att.

c.c. Victor Abraham, Director of Local Planning

Nina Chapple, Architectural Historian, Planning Department

Len King, Building Commissioner

An action committee set up by LACAC met with the representatives of the owner, Grail Investments Ltd. (Sven Grail and realtor Jack Harvey) on September 20 to discuss the situation and take initial steps towards working out a solution satisfactory to the owner and the City (i.e. relieving the owners of their financial burden while preserving the buildings for adaptive re-use). Jack Harvey indicated that the sale of the two buildings was still an option, if an offer acceptable to the owners were to be made. Alderman McCulloch raised the possibility of the City purchasing the buildings, in anticipation of a demand for office space in close proximity to the new Hamilton Courthouse (scheduled for completion in 1996).

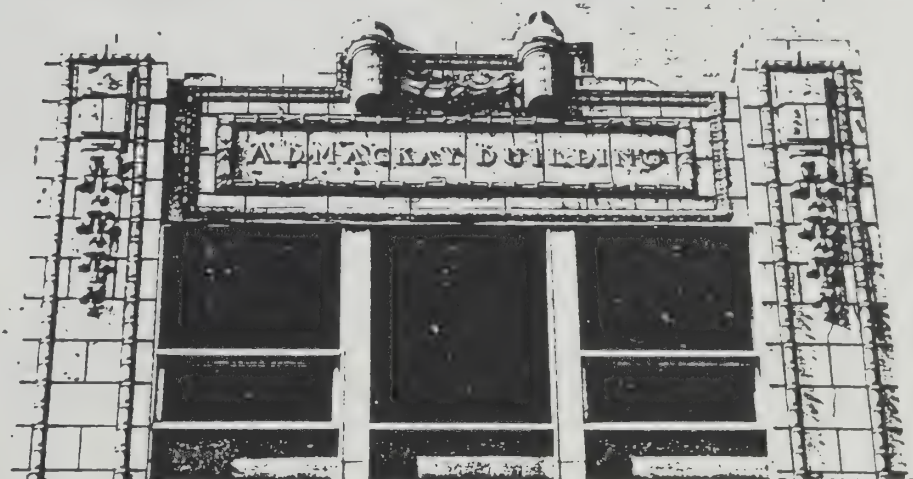
Victoria Hall
68 King Street East



VICTORIA HALL and the MACKAY BUILDING

68 and 66 King Street East

Section of composite
streetscape photograph
and detail of ornamental
terra cotta work crowning
the Mackay Building, 1992.



7

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 18

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Disabled Programme (94.2.4.2.1.A)

RECOMMENDATION:

That the conditions for eligibility for the Hamilton Disabled Programme be amended to provide loan assistance to owner/occupants of residential properties previously eligible for the Provincial Government's Ontario Home Renewal Programme - Disabled.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee in a report presented last year rejected a Departmental recommendation to expand the eligibility criteria for the City programme to include institutional buildings. At the time the Provincial Government's OHRP-D Programme was providing substantial grants for disability work on single family dwellings. The Department, in order to preserve the municipal fund and at the same time provide the best service, processed all loans under the Provincial Programme.

In late August of this year, the Province informed the City that funding for the Programme has been terminated for 1994-1995 and probably for 1995-1996. This decision left approximately 50 applicants on a waiting list, either in a position to proceed with the work, or getting estimates in order to undertake the necessary modifications. As the Committee will recall, this was the basis for a previous report in September 1994. As a result the Mayor wrote to the Premiere asking the Province to reconsider, but nothing has resulted from that action.

The Department sympathizes with the applicants on file and fully appreciates that their needs are real and that no other source of funding is available. Both they and the Department expected the Province to live up to their commitments, which they have not done.

The Department has confirmed with the Treasury Department that the Hamilton Disabled Programme has approximately \$100,000. remaining uncommitted in the account. The Department, therefore, recommends that we amend the terms of the existing Municipal Programme to provide limited assistance to those on the OHRP-D waiting list. While we currently can not recommend a grant we are recommending we offer the applicants a loan at 3% interest and amortize over 15 years. We appreciate that there is not enough funding available to meet the potential demand, therefore, we would offer those with approved estimates the opportunity to proceed.

As this point we have no idea how many would be interested or are in the financial position to repay. We would, however, like the opportunity to approach them with an offer. The proposal would be presented based on date of final approval and would be limited to the funding presently available in the existing account. There would be no increased financial commitment by the City.

While the Provincial Programme provided grants of up to \$15,000. it is suggested we limit the loans to \$10,000. per household. The interest rate would be 3% for 5 years and amortized over 15 years. At the end of 5 years the loan would be re-negotiated to the City's prime rate. The loan would be secured by a lien registered on title. It should be noted that the average loan under the OHRP-D Programme has been slightly less than \$10,000. The monthly payment on a \$10,000. loan would be \$69.06 per month.

If the Programme receives approval each loan application will be approved by the Planning and Development Committee and City Council.

LCK/JHR/dc



OCT 20 1994

The Premier
of Ontario

Le Premier ministre
de l'Ontario

Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Hôtel du gouvernement
Queen's Park
Toronto (Ontario)
M7A 1A1

October 17, 1994

Mayor Robert M. Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

DISTRIBUTED FOR INFORMATION
TO MEMBERS OF CITY COUNCIL

Bldg Commissioner

SECRETARY P.D.

Oct 21/94

DATE

SIGNATURE

Dear Mayor Morrow:

I have received your letter expressing council's concerns regarding the amount of funding available for people with disabilities.

Our government is aware that many Ontarians with disabilities have special housing needs and that accessible accommodation is essential to improve their quality of life. Over the years, the Ministry of Housing made funding available for people with disabilities through the Ontario Home Renewal Program for Disabled Persons (OHRP-D).

As I am sure council can appreciate, Ontario has come through some difficult economic times over the past few years. One of the most significant challenges our government has faced has been to maintain essential programs and services with considerably reduced revenues. Unfortunately, funding for OHRP-D was discontinued for 1994/95 in an overall effort to cut provincial expenditures.

I appreciate your sharing council's concerns.

Yours sincerely,

Bob Rae



8

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 26

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Property Standards By-Law 74-74
(94.2.4.2.1.A & 94.4.9)

RECOMMENDATION:

1. That the attached By-law to consolidate By-Law #74-74, the Property Standards By-Law, be enacted by City Council; and,
2. That By-Law 74-74 passed on 1974 April 30 in accordance with the Planning Act, R.S.O. 1990, Chapter 13, be repealed.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

To accommodate the wishes of City Council, thirteen amendments to the Property Standards By-Law # 74-74 have taken place over the years. Major revisions to the new by-law are as follows:

- a) Planning Act reference to penalty sections.

The City of Hamilton Act 1994 received Royal Assent on 1994 June 23. This amendment incorporated the power given to the City of Hamilton to create penalty sections in the Zoning By-Law, Property Standards By-Law, Site Control By-Law, and the Demolition Control By-Law. The fines from any offence now belong to the City. Previously, the Planning Act made all the fines belong to the Province.

b) Fire damaged buildings.

On 1994 October 19, the Planning and Development Committee approved a recommendation authorizing the Building Commissioner to implement pro-active enforcement of the Property Standards By-Law on fire damaged buildings.

Due to the downturn in the economy over the past several years, the property owners are reluctant to repair buildings where the damages are of considerable proportions and a number of these buildings have been boarded up by the owners and left in a condition which detracts from streetscapes and causes neighbourhoods to deteriorate. With initiatives presently taking place for downtown improvement, this action will provide a visible example of municipal cooperation and confidence in the future of the City.

c) Lighting in parking lots.

City Council Resolution Section 3 of the Tenth Report for 1994 of the Planning and Development Committee to City Council directs the Road Department to review lighting requirements for public parking lots. The Planning Department will be providing lighting plans in combination with site plans. This provision will permit maintenance of those lighting requirements as determined by site plans.

d) Graffiti on buildings.

By-Law #94-131 provides that the exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti, or similar defacements. Further, exterior walls shall be maintained free of posters or advertisements.

e) Provisions to hold a lessee responsible

This provision holds the occupant of any property responsible for the maintenance of the said building to the extent that he or she is responsible by lease or agreement under which he or she occupies the property.

f) Garbage disposal and chutes.

Garbage Disposal By-Law #89-279 was passed on 1989 September 26 which required every garbage and refuse chute and every garbage and refuse storage room in an apartment building to be maintained in operation at all times.

The By-Law has a retroactive effect and, therefore, any building which was initially constructed with a garbage chute system is required to put into operation, garbage chutes and garbage and refuse storage rooms even if they have been out of operation for a number of years.

Investigation and consultation with property owners and tenants, have determined that it is not feasible to convert all existing buildings to a refuse chute usage.

Alternate methods of garbage chutes have been found acceptable to both tenants and property owners. This provision would permit an alternate method of garbage disposal provided that it is maintained and readily acceptable to all tenants.

It is desirous to consolidate all these amendments into one by-law for better comprehension and ease of enforcement. Any proceeding or order previously issued or conducted under By-Law #74-74, will be deemed to continue under the new consolidated by-law.

BDA/sb

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94 -

To prescribe standards for the maintenance

and occupancy of the property.

AND WHEREAS the Council of the Corporation of the City of Hamilton is empowered by the Section 31 of the Planning Act R.S.O. 1990 Chapter P.13 to pass a by-law for, inter alia, prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the use of property that does not conform to the standards, and for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared;

AND WHEREAS pursuant to the provisions of Section 31, [formerly Section 36], of the Planning Act R.S.O. 1970 Chapter 349 as amended of Revised Statutes of Ontario 1970, Chapter 349, the Council of the Corporation of the City of Hamilton did on the 26th day of June 1973 by By-law Number 73-200 adopt Official Plan Amendment Number 282 being a policy statement containing provisions relating to property conditions.

AND WHEREAS By-Law No. 74-74 was enacted on the 30th day of April, 1974.

AND WHEREAS it is desirable to consolidate By-Law No. 74-74 as amended.

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section of the Report of the Planning and Development Committee at its meeting held on the day of 1994 directed that By-law No. 74-74 be repealed and a consolidated Property Standards By-law be enacted.

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as The Property Standards By-law.

INTERPRETATION

2. In this by-law.
 - (a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yards located on the same lot as a building.
 - (b) "approved" means as approved by the Chief Property Standards Officer or his designate.
 - (c) "basement" means any storey below the first storey.
 - (d) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy.
 - (e) "building code" includes,
 - (i) The Building Code Act and regulations made thereunder.
 - (ii) City of Hamilton By-law No. 93-167 as amended.
 - (f) "cellar" means a storey that is more than 50 percent below grade.

- (g) "Chief Property Standards Officer" means the Chief Building Official as appointed under By-law 82-134, as amended.
- (h) "City" means The Corporation of the City of Hamilton.
- (i) "committee" means The Property Standards Committee established under this By-law.
- (j) "dwelling" means a building or structure, with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be or would be intended to be used for such purposes, except for its state of disrepair.
- (k) "dwelling unit" means a suite that is a housekeeping unit, used or intended to be used as a domicile by one or more persons for living, sleeping and preparing food and **must** include a kitchen.
- (l) "first storey" means the uppermost storey having its floor level not more than 2 meters above grade.
- (m) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.
- (n) "health by-law" means The City of Hamilton Health By-Law, being By-Law No. 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any regulation or by-law prescribed or authorized by the provisions of The Health Protection & Promotion Act, 1983 S.O. 1990 Chapter H.7 as amended.
- (o) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring and piping required to be part of the device by the applicable standard referred to in this Building Code
- (p) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or part which prevent its normal function.
- (q) "lot" means a parcel of land the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.
- (r) "medical officer of health" means The Medical Officer of Health for the Regional Municipality of Hamilton-Wentworth, Department of Health Services.
- (s) "multiple dwelling" means a building containing four or more dwelling units.
- (t) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.
- (u) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (v) "officer" means a Property Standards Officer who has been appointed under By-law No. 82-134, as amended, to administer and enforce this By-law.

- (w) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- (x) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fence and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- (y) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.
- (z) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- (aa) "residential property" means any property that is used or is capable of being used as a dwelling or multiple thereof, and includes any land or buildings that are appurtenant to such establishment including but not necessarily limited to all steps, walks, driveways, parking spaces, fences and yards.
- (bb) "retaining wall" means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.
- (cc) "sanitary sewage" means liquid or water borne waste
 - (i) of industrial or commercial origin, or
 - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- (dd) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.
- (ee) "sewage system" means the Regional Municipality of Hamilton-Wentworth's system of storm sewers, sanitary sewers, and combined sewers, or a private sewage disposal system approved by the Medical Officer of Health within the City of Hamilton.
- (ff) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law.
- (gg) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (hh) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
- (ii) "tenant" means any person or persons over the age of 18 years in possession of the property.
- (ij) "unsafe condition" means any condition that poses a danger to the health or safety of any person on or about the premises.
- (kk) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal

or other similarly solid material. (82-186) (83-228) (92-170)

- (ll) "vermin" shall include rats, mice, and all other such obnoxious animals.
- (mm) "yard" means the land within the boundary lines of the lot and not occupied by the principal building.

SCOPE

- 3(1) No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any property unless such property conforms to the standards prescribed herein, nor shall the owner or his agent permit the accumulation of debris or rubbish on yards, as herein defined, in contravention of the standards prescribed in this By-Law.
- 3(2) No person shall use or permit any one to use any property that does not conform to the standards of this By-Law.
- 3(3) No owner of any property shall fail to maintain such property to conform to the standards of this By-Law.
- 3(4) No person shall remove from a property any sign, notice or placard placed thereon pursuant to sections 31(6) and (7) of the Planning Act, R.S.O. 1990, Chapter P.13.

VALIDITY

- 4(1) Should any section or part of a section of this By-Law be held to be invalid, the validity of the remainder of the By-Law shall not be affected.

GENERAL STANDARDS FOR ALL PROPERTIES

STRUCTURAL STANDARD

- 5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of safety as required by the Ontario Building Code.
- 5(2) All exterior surfaces shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.
- 5(3) The exterior walls, chimneys, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

EXTERIOR WALLS AND ROOFS

- 6(1) The exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.
- 6(2) Exterior walls, roofs and other parts of a building shall be free from loose and unsecured objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.
- 6(3) Exteriors of buildings shall be kept weather resistant through the use of caulking and other appropriate weather resistant materials and be maintained to prevent the entry of vermin and birds.
- 6(4) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the building.

- 6(5) All structural components of a roof shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- 6(6) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
- 6(7) Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements.
- 6(8) Exterior walls of a building or structure, and their components shall be maintained free of posters or advertisements which are:
 - a) for events which have already occurred or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

FOUNDATIONS AND BASEMENTS

- 7(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 7(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

INTERIOR STRUCTURE & FLOORS

- 8(1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.
- 8(2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subjected.
- 8(3) Every cellar shall have a floor of concrete or other material acceptable to the City under the provisions of the Building Code for purposes of water drainage and to guard against the entry of vermin.
- 8(4) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition. Such defective floor boards shall be repaired or replaced.
- 8(5) Where floors have been covered with linoleum or other covering that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet flooring or other covering shall be repaired or replaced.
- 8(6) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.

RUBBISH AND DEBRIS

- 9(1) Every property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.
- 9(2) Every porch, hallway, stairway and common area shall be kept free of garbage, debris, old furniture, appliances, etc.

PLUMBING SYSTEM

- 10(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects and in compliance with The Ontario Building Code. All water pipes and appurtenances thereto shall be protected from freezing. All plumbing fixtures shall be connected to the sewage system through water seal traps.

KITCHEN FACILITIES

- 11(1) Every Commercial and Industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 11(2) Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator.

HEATING SYSTEMS

- 12(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22 degrees Celsius or 72 degrees Fahrenheit at the outside design temperature specified in the Building Code.
- 12(2) The heating system and every other mechanical system shall be:
- (a) operated and maintained,
 - (i) in good working order; and
 - (ii) free from unsafe conditions; and
 - (iii) in accordance with the requirements of the Building Code; and
 - (b) maintained at all times in good repair.
- 12(3) No heating appliance shall be installed or placed so as to cause a fire hazard nor to impede the free movement of a person within the room where the heating appliance is located. A heating appliance shall not be located in corridors, hallways or other means of egress.
- 12(4) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.
- 12(5) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.
- 12(6) Any heating equipment used in the process of burning fuel shall be properly vented to the outside air by means of an approved smokepipe, vent pipe or chimney.
- 12(7) All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial regulations.

MAINTENANCE OF PROPERTY

YARDS/ PARKING LOTS/ VACANT PROPERTY

- 13(1) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (1987).

- 13(2) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 13(3) Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.
- 13(4) Every yard, parking lot, and vacant property shall be kept free from:
- (a) metal, wood and rubber objects, barbed and other wire.
 - (b) unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or become contaminated
- 13(5) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials. (83-185)
- 13(6) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the Weed Control Act, R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations made thereunder.
- 13(7) Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition and in a good state of repair.
- 13(8) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 13(9) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.
- 13(10) Stoned surfaces shall be maintained free of dust and spill over onto sidewalks and grass surfaces.

WALKS AND SAFE PASSAGE

- 14(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street.
- 14(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use.

SEWAGE AND DRAINAGE

- 15(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists. Where a Municipal sanitary sewer does not exist, sewage shall be disposed of in a manner acceptable to the Medical Officer of Health.
- 15(2) Roof drainage shall not be channelled to discharge on a sidewalk, stairs, neighbouring property, or a street.
- 15(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or ponding and prevent the entrance of water into a basement or cellar on the property or adjacent properties.
- 15(4) Condensation from air conditioners shall not be channelled to discharge onto the sidewalk or street.

- 15(5) Eavestroughs shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.
- 15(6) Downspouts shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.

ACCESSORY BUILDINGS AND FENCES

- 16(1) Accessory buildings, fences, barriers and retaining walls shall be kept in good repair.
- 16(2) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property a visual barrier not less than 4 feet (1.2 metres) and not more than 6 feet 6 inches (2.0 metres) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.
- 16(3) Despite Section 16(2), no visual barrier shall be required within 9 feet, 9 inches (3.0 metres) in distance from a front lot line in accordance with By-law No. 6593, as amended.

ADDITIONAL RESIDENTIAL STANDARDS

WEATHER PROOFING

- 17(1) Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with,
- (a) the Building Code and amendments thereto, made under the Building Code Act, 1992 or
 - (b) standards equivalent to the Building Code and amendments thereto, satisfactory to the Chief Property Standards Officer.
- 17(2) Windows and exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.
- 17(3) Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

SECURITY

- 18(1) All openable windows, exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked or otherwise secured.
- 18(2) Every lock on a building that is designed to be unlocked with a key or combination shall be maintained in good working order or shall be repaired or replaced.
- 18(3) The owner of a multiple dwelling shall, upon the written request of an occupant of the dwelling unit, in which children under the age of ten reside, provide and install a protective device on any window that,
- (a) has a moveable sash, and
 - (b) is more than six feet (1.8 m) above adjacent finished ground level.
- 18(4) The protective device shall be installed within seven days of the delivery of the written request upon the owner, his agent or representative.
- 18(5) The protective device shall be installed in such a manner as to prevent any child under the age of ten years from opening a window to any amount greater than four inches (100 mm.).
- 18(6) The owner of a building containing 10 or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible and available for ready viewing and easy reading by tenants or occupants of the building.

STAIRS AND PORCHES

- 19(1) Interior and exterior stairs, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 19(2) A handrail shall be installed and maintained in good repair on all stairs which have more than 3 risers.
- 19(3) Handrails shall be located between 32 inches and 36 inches (800 and 920mm) measured vertically above a line drawn through the outside edges of stair nosings.
- 19(4) Handrails will be provided on both sides of stairs greater than 43 inches (1100 mm) in width.
- 19(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 24 inches (600 mm), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 24 inches (600 mm). All guards including those for balconies shall be at least 42 inches (900 mm) in height. Guards for stairs shall be at least 42 inches (900 mm) in height measured vertically from a line drawn through the outside edges of the stair nosings, and 42 inches (900 mm) in height at landings.

INTERIOR WALLS, CEILINGS AND DOORS

- 20(1) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.

- 20(2) Where fire resistant walls and doors exist between separate dwelling units they shall be maintained in a condition which maintains their fire-resistant quality.
- 20(3) Where doors are provided, the doors and associated hardware shall be maintained in a good state of repair.

WATER

- 21(1) Every dwelling shall be provided with a supply of potable water from at least one of the following approved sources:
- a) Municipal Water System
 - b) Communal Water System
 - c) Private Source
- 21(2) Every dwelling or building to which water is available under pressure through piping shall be provided with:
- a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and
 - b) piping for cold water connected to every toilet and hose bib,
 - c) equipment which supplies hot water to every washbasin, sink, bathtub or shower shall be capable of maintaining a temperature of not less than 120°F. (49°C.)

TOILET, KITCHEN AND BATHROOM FACILITIES

- 22(1) Every dwelling unit shall contain plumbing fixtures consisting of:
- a) a kitchen sink
 - b) a water closet
 - c) a hand wash basin; and
 - d) a bathtub and/or shower
- 22(2) All bathrooms and toilet rooms shall be located within and accessible from within the building.
- 22(3) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 22(4) A hand wash basin shall be located in the same room as the toilet or in an adjoining bathroom.
- 22(5) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
- 22(6) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- 22(7) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

- 23(1) Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following:
- (a) Every kitchen shall be provided with a kitchen sink and a splash back which is water and grease resistant.
 - (b) Every kitchen shall be provided with a work surface of at least 8 square feet which shall be impervious to grease and water.

- (c) Every kitchen shall be provided with kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet.
- (d) Every kitchen shall be provided with sufficient space to accommodate a cooking range or a countertop cooking unit.

ELECTRICAL SERVICES

- 24(1) Every suite and dwelling unit, where required by the Building Code and the Ontario Electrical Code, shall be:
 - (a) connected to an electrical supply system; and
 - (b) wired to receive electricity.
- 24(2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
 - (a) adequate for the intended use; and
 - (b) maintained at all times,
 - (i) free from unsafe conditions; and
 - (ii) in accordance with the requirements of the Ontario Electrical Code.
- 24(3) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 24(4) Electric heating shall be maintained in compliance with the provincial regulations.

LIGHTING

- 25(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 25(2) All public hallways and stairs in multiple dwellings shall be illuminated so as to provide safe passage.

VENTILATION

- 26(1) Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.
- 26(2) Except as herein provided every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 1 sq.ft. (.09 sq.m.)
- 26(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.
- 26(4) All systems of mechanical ventilation shall be maintained in good working order.
- 26(5) The natural ventilation requirements prescribed in subsection (1) and (2) may be omitted from any room where adequate mechanical ventilation equipment has been approved by the Chief Property Standards Officer or his designate.
- 26(6) Every basement, cellar and unheated crawl space shall be adequately vented.

GARAGES

- 27(1) Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.
- 27(2) Garages shall be maintained in good repair and free from accident hazards.

GARBAGE DISPOSAL

- 28(1) Every dwelling, dwelling unit and building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes that accumulate on the property and shall be made available for removal weekly.
- 28(2) Receptacles for garbage shall be:
- i) made of watertight construction
 - ii) provided with a tight fitting cover and
 - iii) maintained in a clean state.
- 28(3) Boxes or plastic bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles. However, such containers shall not be stored outdoors unless protected from damage.
- 28(4) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage, shall be placed in receptacles as prescribed by Section 28.2 or 28.3
- 28(5) (a) Every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
- (b) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
- (c) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:
- (i) a garbage storage area is provided on each floor of the building,
 - (ii) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and
 - (iii) a daily collection procedure from each floor is provided by the management of the building and the garbage is delivered to the receptacles as required in Section 28 of this By-Law.

OCCUPANCY STANDARDS

- 29(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.
- 29(2) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.
- 29(3) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the

measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.

- 29(4) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

RESPONSIBILITIES OF THE OWNER

The owner of a property shall:

- 30(1) Comply with all standards prescribed in this By-law.
- 30(2) Not permit any person to use or occupy any property owned, managed or controlled by him unless such property conforms to the standards prescribed in this By-Law.
- 30(3) Shall not allow to exist in, upon or about the same any vermin, or allow to remain any conditions which become a harbourage for vermin.
- 30(4) Comply with any final and binding order of the Property Standards Officer.

30(5) **FIRE DAMAGED BUILDINGS**

Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

The owner or agent of the fire damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said By-Law, and shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inches) weather proofed sheet plywood, painted a colour compatible with the surrounding walls.

ADMINISTRATION AND ENFORCEMENT

Officers

- 31(1) The Chief Property Standards Officer is hereby assigned the responsibility of administering and enforcing this By-law.
- 31(2) The Chief Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 31(3) The alternate standards shall be in accordance with the general purpose and intent of this By-law.
- 31(4) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.
- 31(5) The Chief Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under subsection 31(19) of The Planning Act so as to provide for:
- (i) repair of the property; or
 - (ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition,

where the cost of doing the work does not exceed \$5,000.00.

- 31(6) Upon completion of the work referred to in Subsection 31.5 the cost shall be added to the collector's roll in accordance with subsection 35.1 and collected in the same manner as municipal taxes.

RIGHT TO ENTER AND INSPECT

- 32(1) An officer or any person acting under his or her instructions,
- (a) may, at all reasonable times and upon producing proper identification, enter and inspect any property, but
 - (b) Shall not enter any room or place actually used as a dwelling unit without,
 - (i) requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant or
 - (ii) the authority of a search warrant issued under section 124 of the Rent Control Act 1992 S.O. Chapter 11.

NOTICE OF VIOLATION

- 33(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she shall issue a notice to the owner and all persons shown by the records of the Land Registry Office and the Court Administrative Sheriff's Office to have any interest therein.
- 33(2) The notice referred to in subsection (1) hereof shall,
- (a) contain particulars on the non-conformity,
 - (b) set a date for such person to appear before the officer, as prescribed by Section 34.
 - (c) state,
 - (i) that the person or a representative may,
 - (a) appear,
 - (b) make any representations, and
 - (c) present any evidence,
 - (ii) that, in the event that the person does not appear, an order may be made by an officer in the person's absence;
 - (iii) the action that may be taken to make the property conform to the standards, and
 - (iv) any other information that an officer deems necessary; and
 - (d) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail.
- 33(3) An officer may provide all occupants with a copy of the notice referred to in subsection (1) hereof.

TIME OF APPEARANCE

- 34 The appearance referred to in paragraph (b) of subsection (2) of Section 33 shall take place not less than seven (7) days and not more than thirty (30) days after the service of said notice to the owner.

ORDERS

- 35(1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 33 has taken place, the officer may make an order or orders

to the owner or occupant,

- (a) requiring the owner or occupant to make the property conform to the standards within a period of time not to exceed ninety (90) days,
- (b) prohibiting the use of the property, and requiring the person using or occupying the property to vacate the property within a period of time not to exceed ninety (90) days,
- (c) requiring the owner to demolish the property within a period of time not to exceed ninety (90) days, or
- (d) causing the registration of a caution on the title to the property as provided in Section 38.

35(2)

The order referred to in subsection (1), shall,

- (a) contain, in addition to the requirements of subsection (1), the following requirements,
 - (i) the municipal address or the legal description of the property,
 - (ii) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition, whichever is applicable,
 - (iii) the period in which there must be a compliance with the terms and conditions of the order,
 - (iv) notice that, if repair or clearance is not done within the time specified in the order, the Corporation may carry out the repair or clearance at the expense of the owner, and
 - (v) the final date for giving notice of appeal for the order,
- (b) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail.

35(3)

Where an Order is made pursuant to paragraph (b) of subsection (1) hereof, a copy of such order may also be sent to the occupant or occupants of the property.

RESPONSIBILITIES OF LESSEE

36(1)

The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards or to demolish the whole or any part of the property.

NOTIFICATION

37(1)

A notice or any order made under Sections 33 or 35 when sent by registered mail shall be sent to the last known address of the person.

37(2)

Where a notice or order is served by prepaid registered mail, the date of service is the date of the next workday, following the date of mailing.

37(3)

If the officer is unable to effect service under Sections 33 or 35, he or she shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other interested persons.

37(4)

No person shall pull down or deface the placard placed pursuant to subsection (3).

REGISTRATION OF ORDER

- 38(1) An order issued pursuant to subsection (1) of Section 35 may be registered in the proper Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under the provisions of this by-law.
- 38(2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper Registry of Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

- 39(1) (a) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies.
- (i) may repair or demolish the property,
 - (ii) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; and or
 - (iii) may make the site safe or impede entry by erecting fences, barricades or barriers
- (b) for the purposes of section 35.(1) the property standards officers and the City's agents may from time to time enter in and upon the property;
- (c) The City:
- (i) Shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City under the provisions of this section; and
 - (ii) Shall have a lien for any amount expended by or on behalf of the City under the authority of this section together with interest thereon, upon the property in respect of which such amount was expended, and the certificate of the Clerk of the City as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collector's roll and collected in like manner as municipal realty taxes.

PROPERTY STANDARDS COMMITTEE

- 40(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby continued.
- 40(2) The Property Standards Committee for the City of Hamilton shall consist of 3 ratepayers of the City to be appointed by Council for terms of 1, 2 and 3 years initially and thereafter for terms of 3 years. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

NOTE: Subsections 16, 17 and 18 of Section 31 of The Planning Act, R.S.O. 1990, as amended provide for appeals from orders made under this By-law to the Property Standards Committee and to a Judge of the Ontario Court General Division.

CERTIFICATE OF COMPLIANCE

- 41(1) Every owner may make an application to the City for a certificate of compliance by lodging the application with the Chief Property Standards Officer.
- 41(2) The applicant shall pay the fees referred to in The Building Permit and Fees By-Law No. 93-018 for a certificate of compliance applicable at the time the application is made.

PENALTIES

- 42(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$2,000. for a first offence and to a fine of not more than \$10,000. for any subsequent offence.
- 42(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the Corporation is \$10,000. for a first offence and \$50,000. for any subsequent offence.

PROCEEDINGS CONTINUED

- 43(1) Any order issued or proceeding conducted under By-law No. 74-74 shall be deemed to continue under this By-law and any reference to By-law No. 74-74 shall be deemed to refer to this By-law.
- 43(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-Law No. 74-74 of the Corporation, as amended, the procedure established by this By-Law shall be followed so far as it can be adopted.

REPEAL

- 44 By-Law No. 74-74 as enacted by Council on 30th April, 1974 and the following By-Laws are hereby repealed:

By-law Nos.: 77-189, 78-46, 79-23, 81-150, 83-167,
83-170, 83-185, 83-253, 84-93, 89-279,
90-196, 90-333, 91-33.

- 45 This By-Law comes into force on the date of passing.

PASSED this day of , 1994

CITY CLERK

MAYOR

9

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 21

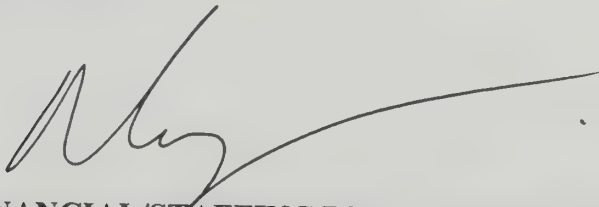
REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, Chairman
Cash-in-Lieu of Parking Committee

SUBJECT: Cash-in-Lieu of Parking
957 - 1009 Fennell Avenue East
(94.2.4.2.1.A, 94.4.2.1.A)

RECOMMENDATION:

That the request by River Dell Holdings Limited for a refund of a portion of the cash-in-lieu parking payment made under a cash-in-lieu parking agreement for 957 - 1009 Fennell Avenue East be denied.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If this request were approved, the City would have to return \$52,250.

BACKGROUND:

In September of 1989 application was made by River Dell Holdings Limited for a cash-in-lieu of parking payment due to the shortfall of required parking spaces at the above-noted property. Previously that month, the Planning and Development Committee approved DA-88-30 subject to the owner entering into a cash-in-lieu of parking agreement for a shortfall of 29 parking spaces.

The Cash-in-Lieu Parking Committee recommended that the policy be applied to this property for the shortfall of 29 parking spaces based on a parking space cost of \$5,500./space. The total cost for providing 29 spaces was \$159,500. It was recommended that the applicant pay 50% of this cost which was \$79,750.

Subsequent to that direction, the applicant entered into a cash-in-lieu parking agreement with the City and paid the sum of \$79,750. which allowed the issuance of a building permit for the erection of a new building on the site.

In May of 1994, application was made by River Dell Holdings Limited in order to obtain a refund of the cash-in-lieu of parking payment. The applicant feels that the new site plan approved under DA-91-39 provides 13 more parking spaces than required by the by-law and, therefore, the cash-in-lieu parking no longer applies.

The revised site plan has been reviewed and it has been determined that a total of 479 parking spaces are provided whereas the zoning by-law requires 498. This still means there is a shortfall of 19 parking spaces. Although the applicant has reduced the shortfall of parking spaces from 29 to 19, it is the opinion the Cash-in-Lieu of Parking Committee that the parking agreement still stands and that the owner is not entitled to any refund.

It is also the opinion of the Law Department that the owner is not entitled to a refund under the agreement because the agreement at that time was made in order for the applicant to obtain a building permit to erect a new building on the site.

PCL/dm

c.c. Cash-in-Lieu of Parking Committee members

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 November 2

9:30 o'clock a.m.

Room 233, City Hall

A G E N D A

A. ADOPTION OF MINUTES

Minutes of the Planning and Development Committee for its meeting held 1994 October 19

B. BUILDING COMMISSIONER

- (i) Demolition of 94 Ward Avenue
- (ii) Demolition of 1158 Upper Wentworth Street
- (iii) Hamilton Emergency Loan Programme - 202 East 23rd Street
- (iv) Hamilton Emergency Loan Programme - 9 Hope Avenue
- (v) City of Hamilton Heritage Programme - 111 Charles Street

C. ACTING DIRECTOR, PUBLIC WORKS DEPARTMENT

- (i) International Village Community Improvement Plan - Commercial Loan Programs
- (ii) Downtown Hamilton Community Improvement Plan - Commercial Loan Programs
- (iii) Westdale Business Improvement Area - Commercial Improvement Program - Requests for 1994

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1994 October 19
9:30 o'clock a.m.
Room 233, City Hall

A

The Planning and Development Committee met.

There were Present: Alderman Don Drury, Chairperson
Alderman Fred Eisenberger, Vice-Chairperson
Mayor Robert M. Morrow
Alderman Dave Wilson
Alderman Bob Charters
Alderman Henry Merling
Alderman William McCulloch
Alderman Mary Kiss
Alderman Frank D'Amico

Also Present: Alderman Geraldine Copps
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
John Sakala, Planning Department
Bill Janssen, Planning Department
Eugene Chajka, Transportation/Environmental Services
Art Zuidema, Law Department
Nina Chapple, Planning Department
Allan Ross, Treasurer
Ray Lee, Planning Department
Roland Karl, Traffic Department
Peter Lampman, Building Department
Brian Allick, Building Department
David Cuming, Unterman McPhail Cuming Associates
Carolyn Hay, Human Resources Centre
Charlene Touzel, Secretary

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. **Zoning Application 94-02, Timothy Canadian Reformed Society of Hamilton, owner and prospective owner, for a change in zoning Block "1" from "AA" District to "C" District; Blocks "2" and "3" from "AA" District to "DE" District modified; and, Block "4" from "DE" District, modified, to "C" District; for lands located at 337 and 363 Stone Church Road East**

The Committee was in receipt of a report dated 1994 October 11 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee was also in receipt of an added submission dated 1994 October 6 from Giuseppe Piazza, 307 Stone Church Road East opposing the Zoning Application.

The Committee approved the following:

- (a) That approval be given to Zoning Application 94-02, Timothy Canadian Reformed Society of Hamilton, owner and prospective owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "3"); and, from "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit the development of the subject lands for single-family detached dwellings (Blocks "1" and "4"), and to consolidate lands and provide access onto the proposed Crerar Drive for the lands to the south (Blocks "2" and "3"), shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential) District; and,
 - (ii) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified; and,
 - (iii) That Block "4" be rezoned from "DE" (Low Density Multiple Dwellings) District, modified, to "C" (Urban Protected Residential, etc.) District; and,
 - (iv) That Schedule "A" of By-law No. 82-53, as amended by By-law No. 83-54, be further amended to include a revised Schedule "A" incorporating Blocks "2" and "3", and deleting Block "4"; and,
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-787a on Blocks "2" and "3", and that the subject lands on Zoning District Map E-18C be notated S-787a; and,
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,
 - (vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (viii) That the Crerar Neighbourhood Plan be amended to redesignate part of Block "1" north of the proposed Crerar Drive from "Civic & Institutional" to "Single & Double Residential"; redesignate Block "3" from "Single & Double Residential" to "Low Density Apartments"; and, redesignate Block "4" from "Low Density Apartments" to "Single & Double Residential" as outlined on APPENDIX "B" attached.
- (b) That approval be given to application 25T-94001, Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society For A Home for the Aged Inc., owners, to establish a draft plan of subdivision in the area north of Stone Church Road East and Upper Wentworth Street, subject to the following conditions:
 - (i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd. dated 1994 January 24, and red line revised showing 27 lots for single family dwellings, and various blocks for road and future development purposes; and,
 - (ii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

- (iii) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,
- (iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
- (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
- (viii) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future expansion of the road allowances or development of abutting lands; and,
- (ix) That the plan not be registered until sewer and water services are available; and,
- (x) That the owner be required to dedicate sufficient lands adjacent to Lot 27 to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance to provide for the designated road allowance width of 30.48m; and,
- (xi) That the status of the 9.14m easement in favour of the Region over Lot 27 and lands to the north be determined prior to the approval of these lots and blocks; and,
- (xii) That Crerar Drive must align centreline to centreline with matching street radii with Crerar Drive on the draft approved Falconstone draft plan of subdivision to the east. The street location and radii of Crerar Drive in the Falconstone plan of subdivision must align with Crerar Drive as established by Plan of Subdivision 62M-728; and,
- (xiii) That the horizontal curve on Crerar Drive between Lots 1 to 15, inclusive, be revised to the satisfaction of the Regional Roads Department; and,
- (xiv) That prior to any development of lands within this draft plan of subdivision, Crerar Drive from the easterly limits of the subdivision to the westerly limits of the subdivision be established as a public highway and constructed to its full width and that all costs associated with the construction of the road and municipal servicing for both sides of Crerar Drive be paid up front by the applicant/owner; and,
- (xv) That a second public street access connection must be established and constructed to its full width from the extension of Crerar Drive to either Stone Church Road or Upper Wentworth Street; and,
- (xvi) That the north-south street adjacent to Lot 1 and Block 43 must be established at 20m and the west street line must be parallel to the east limit of the street as approved in the Falconstone plan of subdivision; and,

- (xvii) That all existing structures within the proposed Crerar Drive road allowance be removed and relocated to private property; and,
 - (xviii) That Blocks 28 to 43, inclusive, and Block 48 must be developed in conjunction with the adjoining lands; and,
 - (xix) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands; and,
 - (xx) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (xxi) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-91014), Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society For A Home for the Aged Inc., owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
2. **Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" District to "HH" District, modified, for lands located at 1367 Upper James Street**

The Committee was in receipt of a report dated 1994 October 7 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee approved the following:

That Section 3.B. of the Eighteenth Report of the Planning and Development Committee for 1993, respecting Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, requiring the registration of mutual right-of-way agreements, as a condition of rezoning, for lands located at No. 1367 Upper James Street, as shown on the attached map marked as APPENDIX "C", be repealed in its entirety.

PRESENTATIONS

3. **Barrier Free Design Standards for the City of Hamilton - Alderman Geraldine Copps and Carolyn Hay, Barrier Free Design Sub-Committee**

The Committee was in receipt of a copy of the Barrier Free Design Sub-Committee's Executive Summary dated 1994 July, which recommends a set of design standards addressing the elimination of physical barriers in the built environment.

Alderman Geraldine Copps and Carolyn Hay, Human Resources Centre, appeared before the Committee to bring the Committee up to date on the standards included in the report. Alderman Eisenberger commended Alderman Copps and the Barrier Free Design Sub-Committee for their work in this regard.

After some discussion, the Committee approved the following:

That the Planning and Development Committee endorse the Barrier Free Design Sub-Committee's Executive Summary dated 1994 July which recommends a set of design standards addressing the elimination of physical barriers in the build environment.

4. **Durand-Markland Heritage Conservation District - Designation - David Cuming, Consultant.**

The Committee was in receipt of a report dated 1994 October 13 from the Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter:

Copies of the Durand-Markland Heritage Conservation District Plan as prepared by Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited dated 1994 October were also distributed to Members of the Planning and Development Committee with the Agenda.

David Cuming, Consultant with Unterman McPhail Cuming Associates, was in attendance to present the Heritage Conservation District Plan and to provide an overview of the Durand-Markland Heritage Conservation District.

The Committee was in receipt of three added submissions respecting the Heritage Conservation District as follows:

- (a) The original petition from neighbourhood residents dated 1990 January 12 requesting the Planning Department to investigate the possibility of establishing heritage blocks on Markland Street (James to Bay), Chilton Place and MacNab Street South (Herkimer to Markland); and,
- (b) A letter dated 1993 July 13 from Carl Turkstra, 50 Markland Street, opposing the proposed heritage designation; and,
- (c) A petition from neighbourhood residents dated 1994 October 17 supporting the heritage district.

Carl Turkstra, 50 Markland Street, was in attendance to express his opposition to the proposed Heritage Conservation District. Mr. Turkstra advised the Committee of the many problems he encountered when living in a Heritage District in Booklyn, New York and the red tape that he had to go through to restore his own property.

Helene Fallen, 265 Markland Street, was also in attendance to stress the importance of the Heritage District and the need to preserve the Durand-Markland neighbourhood.

Barry Munn, 17 Chilton Place, was also in attendance and asked the Committee to approve the Heritage District Plan in an effort to preserve the neighbourhood.

Alderman McCulloch advised Committee Members that all of the neighbours, with the exception of Mr. Turkstra, support the proposed Heritage District and asked the Committee to approve the Plan as presented. Committee Members were further advised that once approved this matter will be referred to the Ontario Municipal Board for review and final approval.

Alderman D'Amico raised his concerns respecting the present restriction on left turns into the District from James Street and indicated that he has received a number of complaints from Ward 8 residents respecting this matter.

After considerable discussion, the Committee approved the following:

- (a) That City Council give approval to designate by By-law, the Durand-Markland Heritage Conservation District under Part V of the Ontario Heritage Act; and,
- (b) That the City Solicitor be authorized and directed to take the appropriate action to have this District designated pursuant to the provisions of the Ontario Heritage Act, 1983; and,
- (c) That City Council adopt the Durand Markland Heritage Conservation District Plan, as prepared by Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited dated 1994 October (copies of which were distributed at the meeting and to all Members of City Council and are available from the Secretary upon request); and,
- (d) That the implementation strategies for the Durand-Markland Heritage Conservation District Plan be undertaken by the appropriate departments and agencies; and,
- (e) That the recommendations for heritage policies, as contained in the Durand-Markland Heritage Conservation District Plan, be referred to the Planning and Development Department for consideration in the review of the City of Hamilton Official Plan in 1995; and,
- (f) That the recommendations for permitting additional tree species for public property in the Durand-Markland Heritage Conservation District be referred to the Public Works Department for review and consideration.

Alderman D'Amico wished to be recorded as opposed to this motion.

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

5. Request for Waiver from an Environmental Impact Statement - Kimberly Drive

The Committee was in receipt of a report dated 1994 October 11 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Alderman Eisenberger suggested that this item be tabled to investigate the possibility of retaining this property as open space, however, Alderman Eisenberger could not get a seconder for this motion.

After considerable discussion, the Committee approved the following:

- (a) That approval be given to the Environmental Impact Statement Waiver, on behalf of Diconzo Construction, to permit the development of the subject lands for a single-family dwelling, for the lands located on the west side of Kimberly Drive, north of the intersection of Dundonald, as shown on the attached map marked as APPENDIX "D"; and,
- (b) That the City Clerk be requested to forward a copy of Council's decision to the Regional Clerk and the Niagara Escarpment Commission.

Alderman Eisenberger wished to be recorded as opposed to this motion.

6. **Site Plan Control Application DA-93-41 for a parking lot at 150 Catharine Street North**

The Committee was in receipt of a report dated 1994 October 7 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee approved the following:

- (a) That approval be given to Site Plan Control Application DA-93-41 by Pane Del Sole Bakery Limited, owner of lands known as 150 Catharine Street North, as shown on the attached map, for a parking lot subject to the following:
 - (i) modification to plans in relation to notes, dimensions, paving, grades, fencing and landscaping as marked in red on the plan;
 - (ii) provision of a note on the plans dealing with details for Tree Protection as marked in red on the plans; and,
 - (iii) provision of appropriate agreement and securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993; and:
- (b) That in regard to Zoning Application ZA-92-39, the following resolution be forwarded to City Council for approval;

That Item 7.A.(a)(i)(1) of the Twenty-First Report of the Planning and Development Department to City Council on 1992 December 8, respecting Zoning Application ZA-92-39 by Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, of lands at 150 Catharine Street North, be amended as follows:

- (i) amend Item 7.A.(a)(i)(1) by deleting it in its entirety and replacing it with the following:
 - "(1) That a landscape planting strip having a minimum width of 1.0 m shall be provided and maintained along the northerly lot line, except for any area used for vehicular access."

BUILDING COMMISSIONER

7. **Proactive Enforcement of the Property Standards By-Law on Fire Damaged Buildings**

The Committee was in receipt of a report dated 1994 October 12 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized and directed to implement a proactive enforcement program for the repair or demolition of fire damaged buildings within the City of Hamilton.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

8. **Victoria Hall - 180-Day Delay of Demolition**

The Committee was in receipt of a report dated 1994 October 13 from the Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter.

After some discussion, the Committee agreed to **table** this report to the next meeting of the Planning and Development Committee.

9. **Heritage Permit - 113 Charles Street**

The Committee was in receipt of a report dated 1994 October 13 from the Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter.

The Committee approved the following:

That a Heritage Permit be approved for the construction of a garage as depicted on the Site Plan, Floor Plan, and Elevations, attached hereto and marked as Appendix "E", at 113 Charles Street in the MacNab-Charles Heritage Conservation District.

10. **CONSENT AGENDA**

A. **ADOPTION OF MINUTES**

Minutes of the Planning and Development Committee for its meeting held 1994 October 5

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1994 October 5. These minutes were adopted as circulated.

B. **BUILDING COMMISSIONER**

(i) **Hamilton Emergency Loan Programme - 30 Glamis Court**

The Committee was in receipt of a report dated 1994 October 4 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and ninety five dollars (\$1,995.) be approved for Zona Wright, 30 Glamis Court. The interest rate will be 8 per cent amortized over 5 years.

(ii) **Hamilton Emergency Loan Programme - 49 Beach Road**

The Committee was in receipt of a report dated 1994 October 4 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and sixty three dollars (\$1,563.) be approved for Vincent Arsenault and Mildred Arsenault, 49 Beach Road. The interest rate will be 8 per cent amortized over 5 years.

(iii) **Hamilton Emergency Loan Programme - 28 Case Street**

The Committee was in receipt of a report dated 1994 October 4 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and thirty-one dollars (\$1,231.) be approved for Dorothy Thomas, 28 Case Street. The interest rate will be 8 per cent amortized over 5 years.

C. **ACTING DIRECTOR, PUBLIC WORKS DEPARTMENT**

Community Improvement Programme - Downtown Hamilton Business Improvement Area - 1994 Request

The Committee was in receipt of a report dated 1994 October 12 from the Acting Director, Public Works Department, respecting the above-noted matter.

The Committee approved the following:

That the Downtown Hamilton B.I.A.'s request for the purchase and installation of banners under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$15,400. and be financed from Account No. CF 5698 428705006.

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

The Committee was in receipt of a report dated 1994 October 13 from the Secretary, Planning and Development Committee, respecting the above-noted matter.

The Committee approved the following:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Information Report from Commissioner of Planning and Development and Director of Local Planning dated 1994 October 11 re: Approved Site Plan Control Applications
- (b) Information Report from Chairperson, Central Area Plan Implementation Committee dated 1994 October 6 re: Public Forum Series on Downtown Hamilton

- (c) Information Report from Commissioner of Planning and Development and Director of Local Planning dated 1994 October 13 re: Niagara Escarpment Conformity Zoning Exercise.

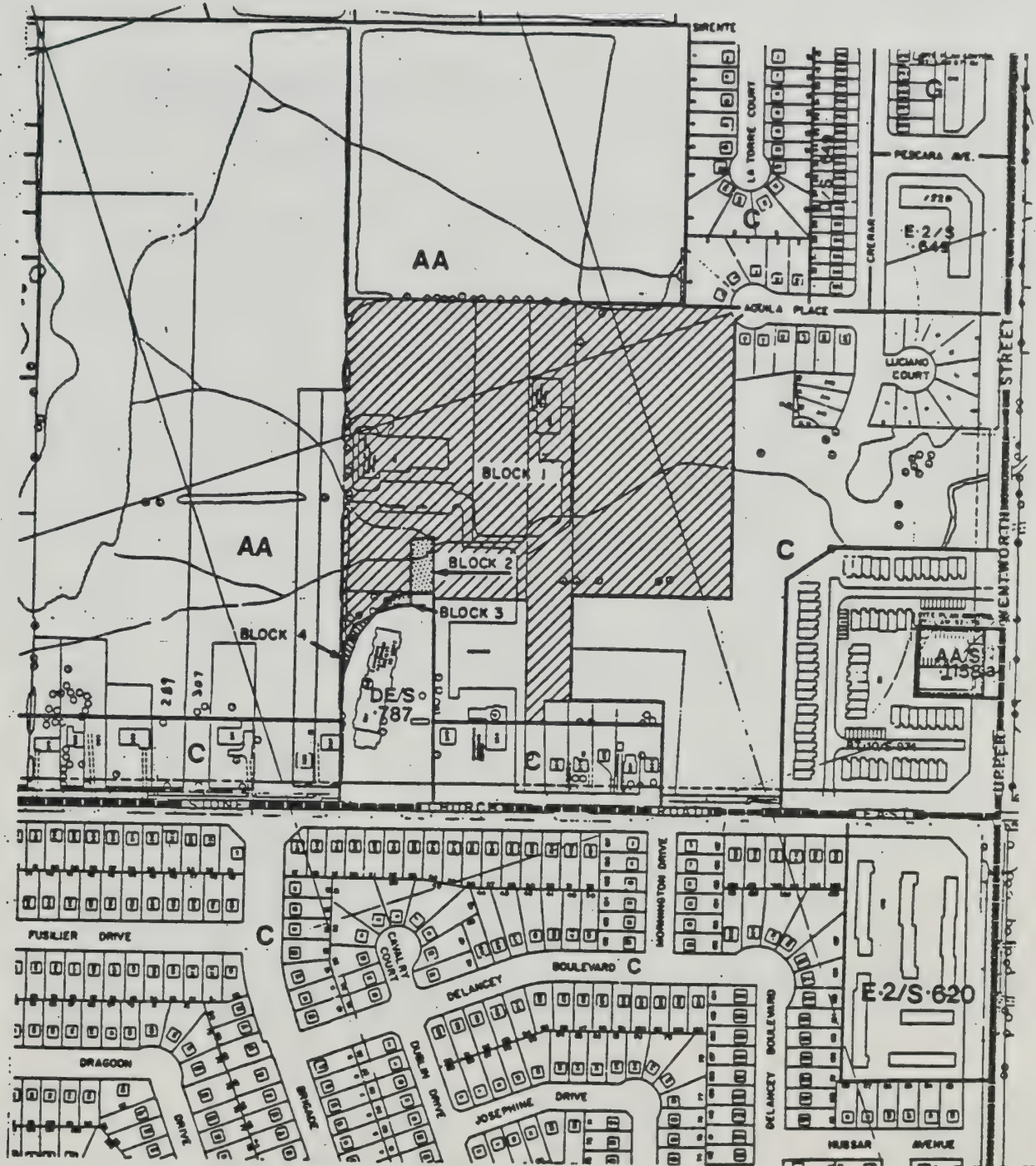
11. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,




**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Charlene Touzel
Secretary**

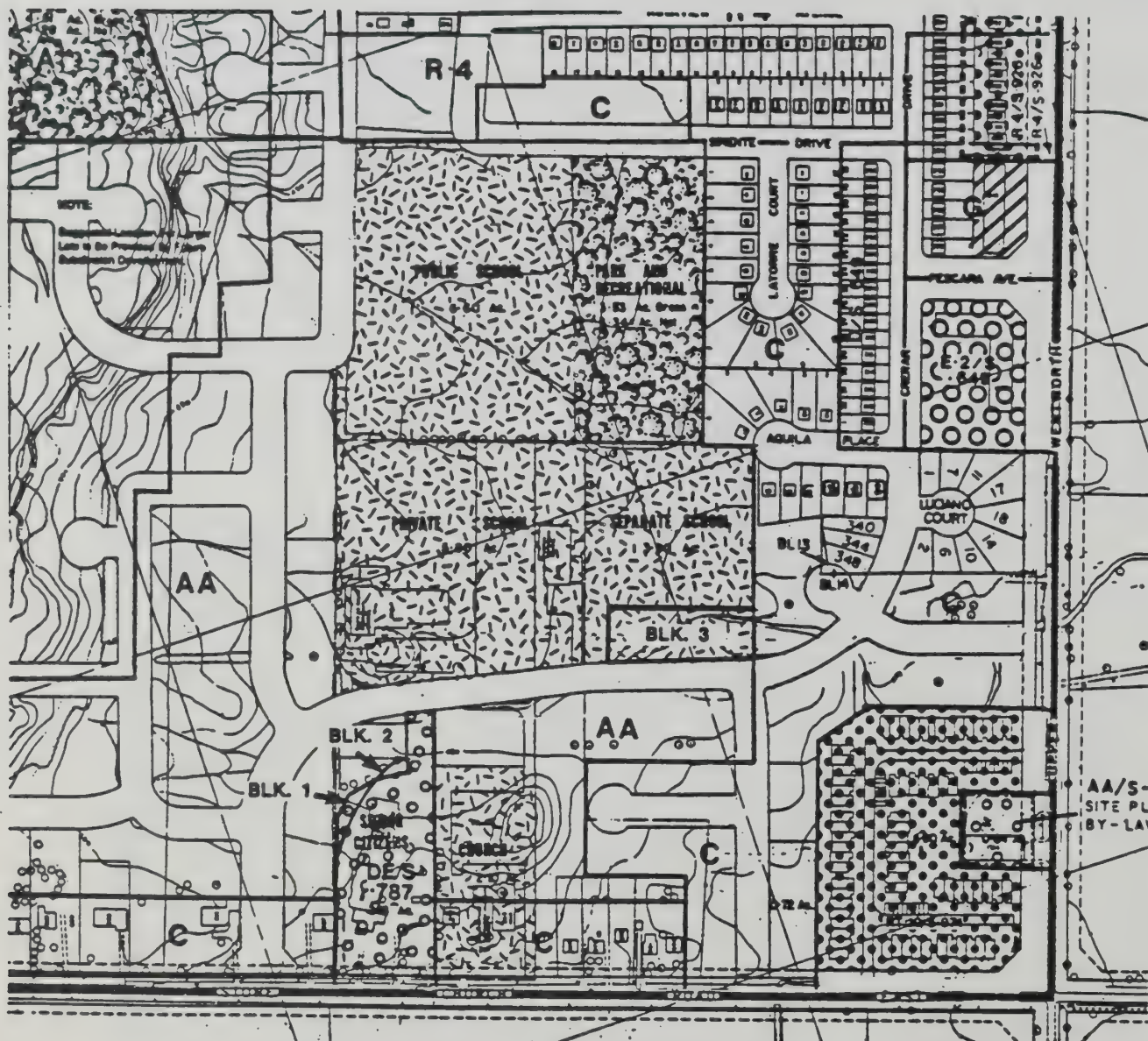


Legend

Proposed changes in zoning from:

- BLOCK 1  "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
- BLOCKS 2 AND 3  "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified.
- BLOCK 4  "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.



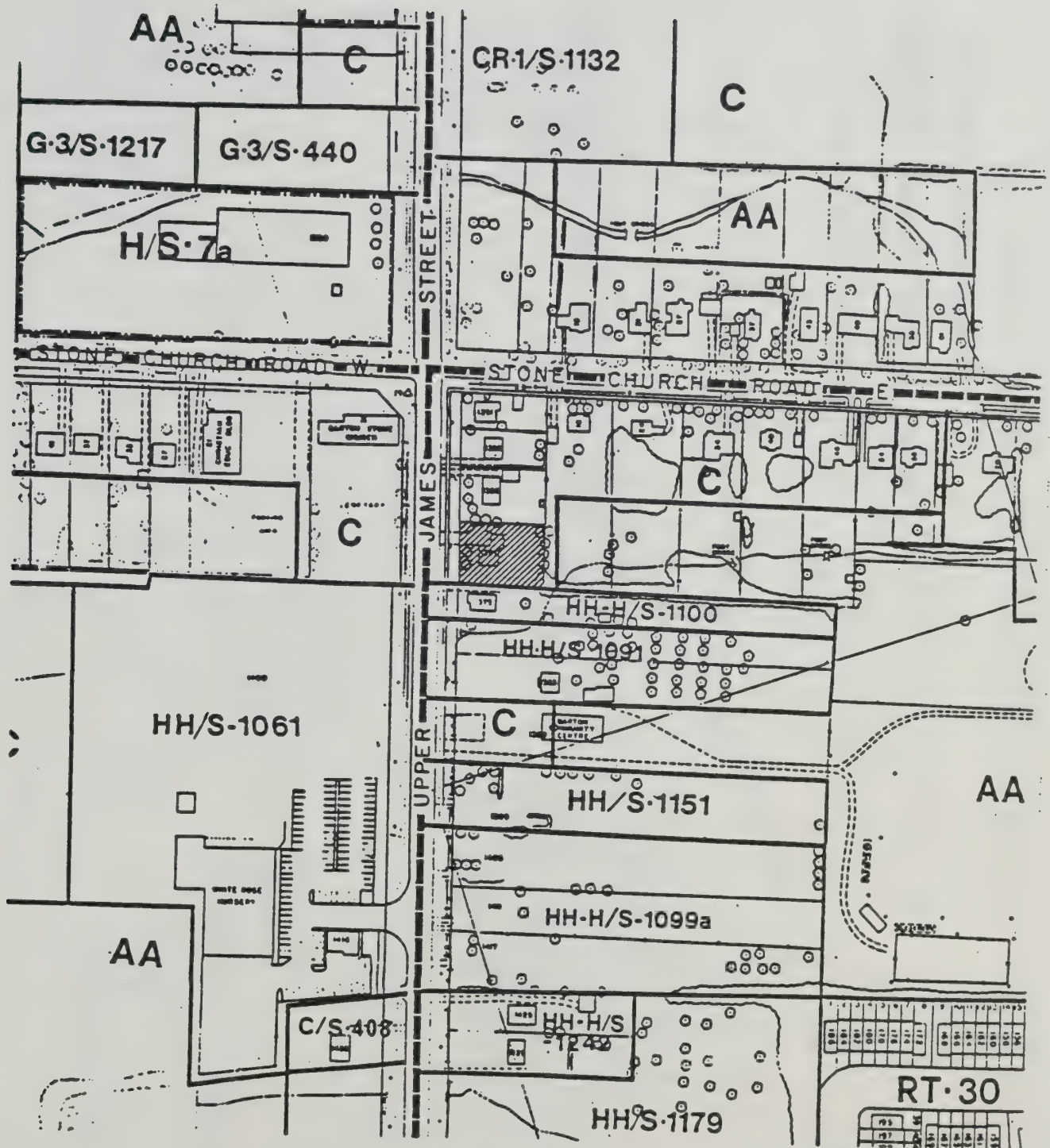


Legend

Proposed changes:

- | | | |
|---------|--|---|
| BLOCK 1 | | "Low Density" to "Single & Double" |
| BLOCK 2 | | "Single & Double" to "Low Density Apartments" |
| BLOCK 3 | | "Civic & Institutional" to "Single & Double" |

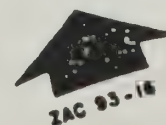
ZAC-94-02

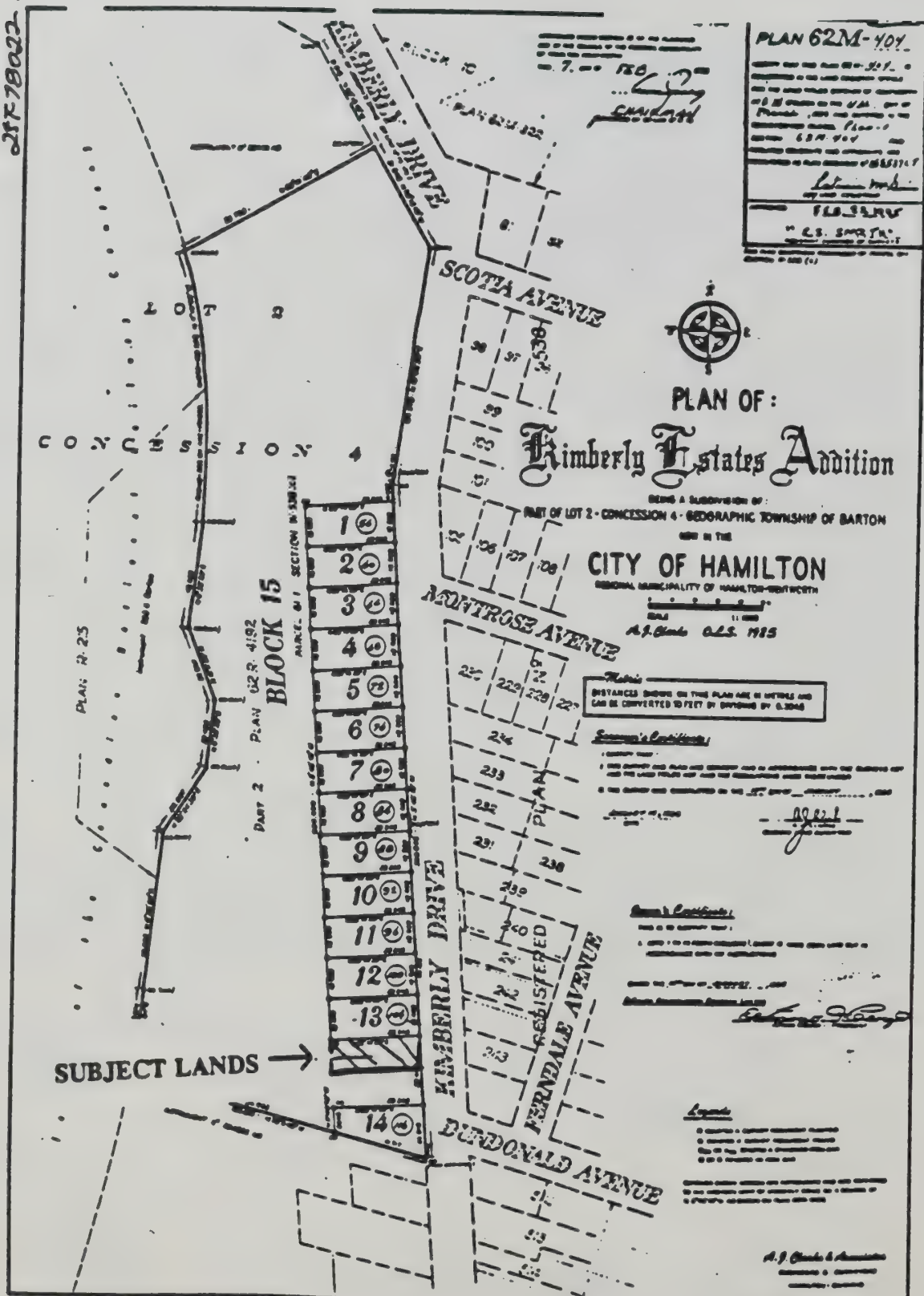


Legend



Site of the Application



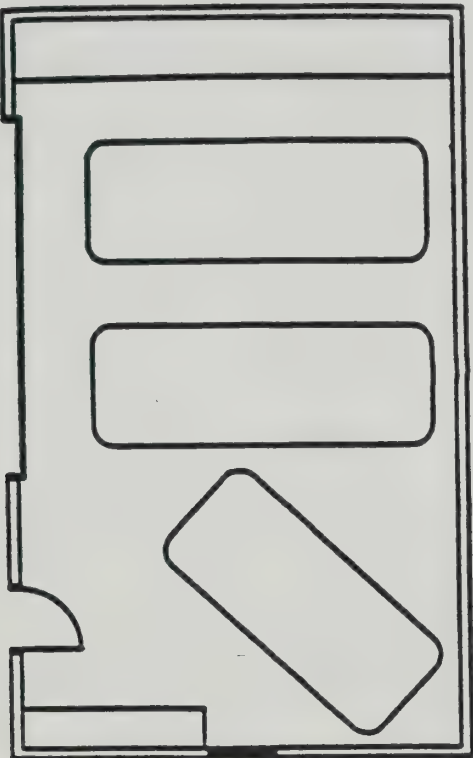
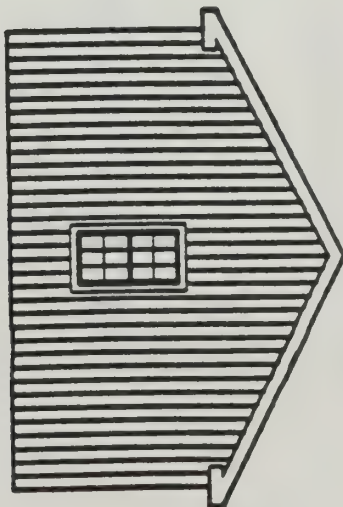
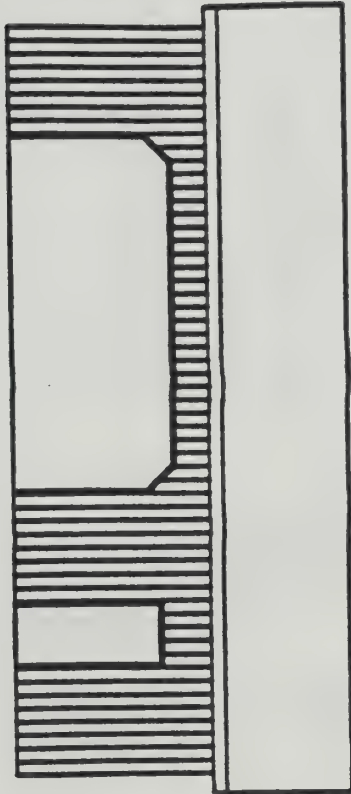


Proposed Garage for the Nelson Residence, 111-113 Charles Street

interior siding: board-and-batten

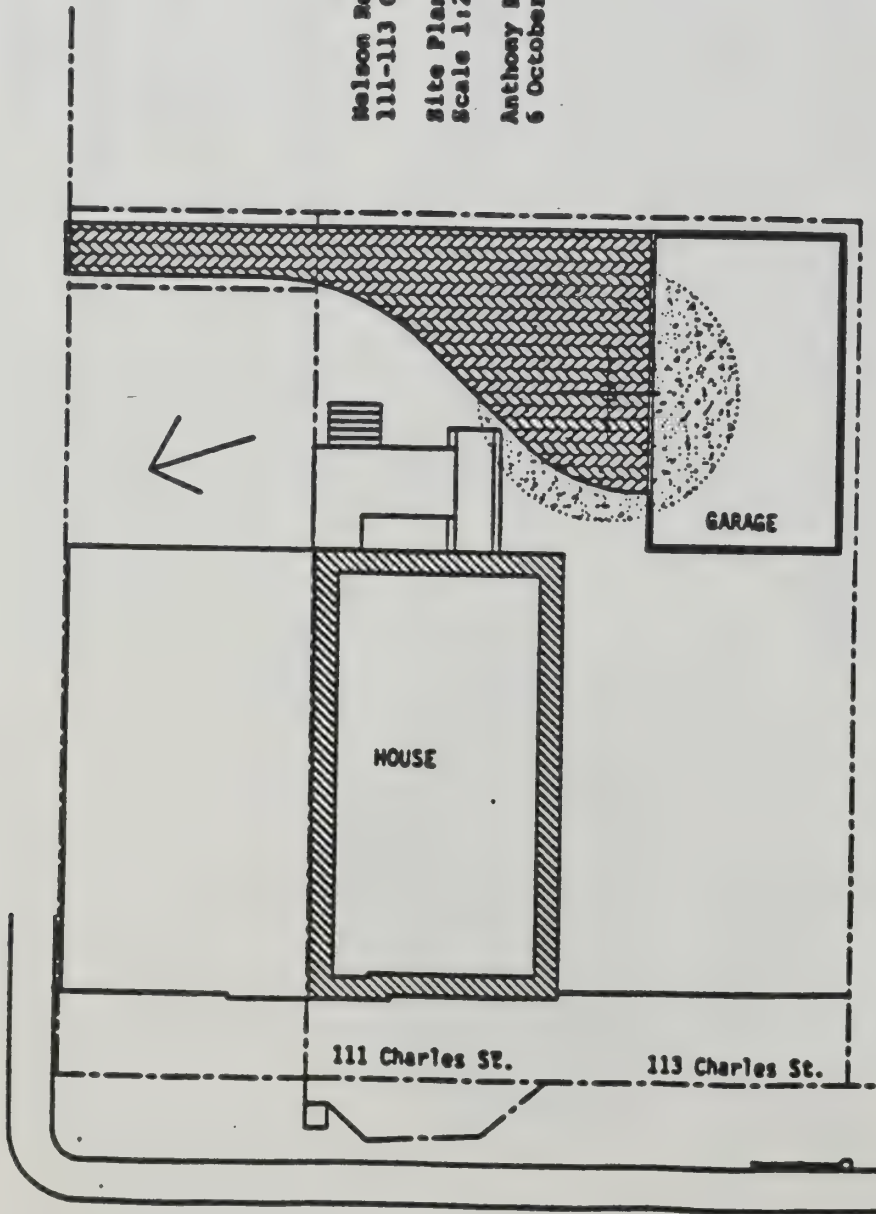
garage door: overhead type (wood or metal)

roofing: cedar or asphalt shingles



**Nelson Residence
111-113 Charles Street
Garage Plan
Scale 1:100
Anthony Butler Architect Inc.
6 October 1994**

Nelson Residence
111-113 Charles Street
Site Plan
Scale 1:200
Anthony Butler Architect Inc.
6 October 1994



CITY OF HAMILTON
- RECOMMENDATION -

B(i)

DATE: 1994 October 21

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

OCT 25 1994

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
94 WARD AVENUE - Tag Number 93172
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 94 Ward Avenue.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-720 (Map W-41)

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame single family dwelling

Owner wishes to demolish existing house and rebuild a new single family dwelling. No LACAC interest. Lot size 50' x 100'.

The owner of the property as per the demolition permit is:

Gusanbauer
500 Bush Drive
Ancaster, Ontario

14 SH/zr



CITY OF HAMILTON
- RECOMMENDATION -

B(ii)

DATE: 1994 October 21

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

OCT 24 1994

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1158 UPPER WENTWORTH STREET - Tag Number 93152
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1158 Upper Wentworth Street.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1271 (Map E-18B)

PRESENT USE: Single Family Dwelling


PROPOSED USE: New Development

BRIEF DESCRIPTION: 2 storey wood frame house with double garage

Owner wishes to demolish existing house to allow for new development. No LACAC interest.
Lot size 229' x 226'.

The owner of the property as per the demolition permit is:

Tyka Investments Ltd.
288 Grays Road Unit #4
Hamilton, Ontario

SH/zr


CITY OF HAMILTON

- RECOMMENDATION -

B(iii)

DATE: 1994 October 21

OCT 24 1994

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
(H.E.L.P.)(94.2.4.2.1.A)
202 East 23rd Street

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty five dollars (\$1,725.) be approved for Irene Tonks, 202 East 23rd Street. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Irene Tonks, 202 East 23rd Street in the amount of \$1,725. The furnace has been replaced, and the Department recommends approval in the amount of \$1,725. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(iv)

DATE: 1994 October 21

OCT 24 1994

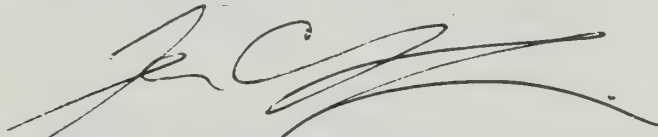
REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme
(H.E.L.P.)(94.2.4.2.1.A)
9 Hope Avenue

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and ninety-five dollars (\$395.) be approved for Brenda Lockhart, 9 Hope Avenue. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Brenda Lockhart, 9 Hope Avenue in the amount of \$395. The bathroom has been repaired, and the Department recommends approval in the amount of \$395. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(v)

DATE: 1994 October 27

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
111 Charles Street (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division, be directed to process a loan under the Community Heritage Trust Fund Loan to Rickey George Nelson and Susan Shannon Nelson, 111 Charles Street, in the amount of nine thousand, six hundred dollars (\$9,600.) at 3 1/2 percent interest amortized over a ten year period.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Community Heritage Trust Fund was established as a low interest loan programme to provide assistance to owners of properties designated under the Provincial Heritage Act. The Provincial Act also permits the designation of Heritage Districts in which this property is located. The MacNab Charles Heritage Conservation District was approved by the O.M.B. on 1992 June 25.

The owners of the property have applied under the terms of the above programme to undertake the replacement of the roof at a cost of \$9,600. by H & S Remodelling. As per the terms of the programme the Local Architectural Conservation Advisory Committee (LACAC) has reviewed the work to be undertaken, as well as the estimates, and are recommending acceptance.

The Building Department, therefore, recommends that a Community Heritage Trust Fund Loan in the amount of \$9,600. at 3 1/2 percent interest be approved. The monthly payment will be \$94.95 amortized over a ten year period.

LCK/JHR/dc
c.c. - R. Camani, Treasury Department

C(i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 25

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Chris Firth-Eagland
Acting Director of Public Works

SUBJECT: International Village Community Improvement Plan;
Commercial Loan Programs

RECOMMENDATION:

- i) That the Community Improvement Plan for the International Village Business Improvement Area (B.I.A.), attached as Appendix 'A', be adopted in order to implement the Commercial Loan Programs; and,
- ii) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
- iii) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Commercial Loan Program is administered by the Loans Division of the Building Department and extended to property and business owners within Hamilton's B.I.A.'s. The Program is funded one hundred percent (100%) with municipal monies from account number CH 25300 00321.

BACKGROUND:

In accordance with The Planning Act, 1990, Section 28, the City of Hamilton must designate a Community Improvement Project Area and create a corresponding Community Improvement Plan in order to offer loans and grants to property and business owners.

In order to continue to offer loans under the City of Hamilton's Commercial Loan Programs to the International Village B.I.A.'s property and business owners, the International Village Community Improvement Project Area was approved by City Council at its meeting held 1994 August 30, which area identifies the geographic boundaries of the B.I.A.

City Council at its meeting held 1994 August 30, directed staff from the Public Works Department to create the Community Improvement Plan for International Village and to hold a Public Meeting to receive citizen input on the Plan as required under The Planning Act, 1990, Section 28. Subsequently the Plan was created and a Public Meeting was held on 1994 October 18 to receive citizen input at which time no changes were identified.

HM:hm

Attach.

c.c. Alderman V. Agro
Ward Two

Alderman Wm. McCulloch
Ward Two

Ms. M. Pocius, Executive Director
International Village B.I.A.

Ms. P. Noe Johnson, City Solicitor
Attn: Mr. A. Zuidema, Solicitor

Mr. A. Ross, City Treasurer
Attn: Mr. B. Hill, Senior Accounting Clerk II

Mr. L. King, Building Commissioner
Attn: Mr. J. Robinson, Co-ordinator of Housing Loans

THE INTERNATIONAL VILLAGE
COMMUNITY IMPROVEMENT PLAN

1994 OCTOBER

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PLAN

PURPOSE:

TO ESTABLISH A PLAN FOR THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL LOAN PROGRAMS.

PREFACE:

THE FOLLOWING PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA WHICH WILL ALSO BE DESIGNATED BY BY-LAW, BY HAMILTON CITY COUNCIL.

INTRODUCTION:

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA FALLS WITHIN THE CENTRAL POLICY AREA AS PER THE CITY OF HAMILTON'S OFFICIAL PLAN. ACCORDINGLY, THE AREA IS TO BE PROMOTED AS A MULTI-USE NODE BY CREATING AN ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE, WORK, DO BUSINESS, SHOP OR VISIT. INTERNATIONAL VILLAGE IS A MAJOR COMMERCIAL AREA WITHIN THE CENTRAL POLICY AREA. IN AN EFFORT TO ENERGIZE AND REVITALIZE THE AREA, THE CITY OF HAMILTON HAS UNDERTAKEN IMPROVEMENTS TO THE STREETScape SUCH AS, BUT NOT LIMITED TO, INTERLOCKING BRICK, IMPROVED LIGHTING, INSTALLATION OF BENCHES, ETC. ANOTHER IMPORTANT ASPECT OF IMPROVING THE VISUAL APPEARANCE OF THE AREA INVOLVES THE UPGRADING OF EXISTING BUILDING FRONTS AND INTERIORS TO NOT ONLY INCREASE THE ATTRACTIVENESS OF THE AREA, BUT ALSO PROVIDE A TOOL FOR MERCHANTS TO IMPROVE THEIR COMMERCIAL IMAGES. SINCE THE AGE OF THE EXISTING BUILDINGS RANGE FROM NINETY TO SIXTY YEARS OLD, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS AND TENANTS OF BUILDINGS TO RENOVATE VIA LOANS ADMINISTERED UNDER THE COMMERCIAL LOAN PROGRAMS.

COMMERCIAL LOAN PROGRAM

IN A REPORT SUBMITTED BY THE PUBLIC WORKS DEPARTMENT (NEE COMMUNITY DEVELOPMENT DEPARTMENT) DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF THE COMMERCIAL FACADE LOAN PROGRAM. SUBSEQUENTLY CITY COUNCIL AT ITS MEETING HELD 1986 JUNE 24 GAVE THE DEPARTMENT OF PUBLIC WORKS (NEE COMMUNITY DEVELOPMENT) AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAM BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE. FURTHERMORE, ON 1993 JANUARY 12, CITY COUNCIL APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL LOAN PROGRAM FOR THE UPGRADING OF THE INTERIOR OF COMMERCIAL BUILDINGS LOCATED WITHIN BUSINESS IMPROVEMENT AREAS. THE FUNDS FOR THE NEW PROGRAM WERE COMBINED WITH THE EXISTING COMMERCIAL FACADE LOAN PROGRAM FUNDS AND THE PROGRAM WAS RENAMED THE "COMMERCIAL LOAN PROGRAM".

THE INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1990, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL LOAN PROGRAM TO BE IMPLEMENTED. THE PROGRAM IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS AND TENANTS FOR REHABILITATION AND IMPROVEMENTS TO COMMERCIAL PROPERTIES LOCATED IN (B.I.A'S). A LOW INTEREST LOAN COVERING 100% OF THE ELIGIBLE EXTERIOR IMPROVEMENT COSTS TO A MAXIMUM OF \$15,000. PER MUNICIPAL ADDRESS IS AVAILABLE. IN ADDITION THE OWNER OF REAL PROPERTY MAY ALSO OBTAIN AN ADDITIONAL \$10,000. LOAN FOR INTERIOR IMPROVEMENTS. IN CASES WHERE AN OWNER OWNS SEVERAL PROPERTIES WITHIN A B.I.A. THE MAXIMUM ANY ONE OWNER CAN OBTAIN IS \$45,000. FOR THE EXTERIOR, AND \$30,000. FOR INTERIOR WORK. OWNERS OF BUSINESSES WHO DO NOT OWN ANY REAL PROPERTY MAY BORROW A MAXIMUM OF \$2,000. FOR MODIFICATIONS OR IMPROVEMENTS.

THE INTEREST RATE ON THE LOAN IS ONE-HALF OF THE PRIME INTEREST RATE AT THE BANK OF COMMERCE ON THE DATE THE LOAN AGREEMENT IS SIGNED.

THE LOAN IS AMORTIZED OVER A MAXIMUM OF 10 YEARS AND SECURED BY A LIEN REGISTERED ON TITLE AND/OR A PROMISSORY NOTE.

THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL LOAN PROGRAM GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, AREA OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FACADES AND INTERIORS, RATHER THAN LARGE SCALE REDEVELOPMENT.

COMMERCIAL LOAN PROGRAM

GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S)
- LOANS AT AN INTEREST RATE OF ONE-HALF OF THE CITY'S PRIME BORROWING RATE
- MAXIMUM LOAN AMOUNT \$15,000. PER PROPERTY OWNER FOR EXTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$10,000. PER PROPERTY OWNER FOR INTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$2,000. PER BUSINESS OPERATOR THAT DOES NOT OWN REAL PROPERTY
- MAXIMUM LOAN ANY ONE OWNER OF SEVERAL PROPERTIES WITHIN A B.I.A. CAN OBTAIN IS \$45,000. EXTERIOR, AND \$30,000 INTERIOR
- LOAN AMORTIZED OVER TEN YEARS (OPEN)
- BUILDING ENVELOPE TO BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES CORRECTED, BEFORE OPTIONAL IMPROVEMENTS DETERMINED BY OWNER OR OPERATOR.
- IMPROVEMENTS ELIGIBLE INCLUDE: RE-ROOFING; REPAINTING; REPOINTING MASONRY OR BRICKWORK; REPAIRING CORNICES AND OTHER ARCHITECTURAL DETAILS; REDESIGNED STORE FRONTS; REMOVAL OF INAPPROPRIATE SIGNAGE; INSTALLATION OF APPROPRIATE NEW SIGNAGE; WINDOW REPAIR AND RESTORATION; RESTORATION OF ORIGINAL FACADE APPEARANCE; CANOPIES AND AWNINGS; INTERIOR FIXTURES, INCLUDING PARTITIONS; INTERIOR DECORATING INCLUDING LIGHTING, PAINTING, WALLPAPER; "BUILT-IN" SHOWCASES, FREEZERS, SPECIAL PLUMBING; INTERIOR SIGNAGE, ETC.
- PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, SOLICITORS, ETC. ARE AN ELIGIBLE EXPENSE.
- LOAN REPAYED ON MONTHLY BASIS. NO PENALTY APPLIED FOR FULL PAYMENT BEFORE THE TERM OF LOAN.
- LOAN MAY BE TRANSFERRED TO A NEW OWNER PROVIDING THE NEW OWNER MEETS AND AGREES TO THE TERMS AND CONDITIONS OF THE LOAN (THIS APPROVAL MUST BE REQUESTED IN WRITING AND WILL BE CONFIRMED IN WRITING BY THE CITY).
- APPLICANT MUST BE THE REGISTERED OWNER OF THE COMMERCIAL PROPERTY
- OWNERS' OR TENANTS' TAXES AND B.I.A. LEVIES MUST BE CURRENT

- LOANS MUST BE RECOMMENDED BY THE B.I.A. BOARD AND APPROVED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL
- NO RESTRICTIONS ON DEMOLITIONS EXCEPT THAT ANY OUTSTANDING LOANS MUST BE REPAYED TO THE MUNICIPALITY. BUILDINGS THAT ARE DESIGNATED UNDER THE HERITAGE ACT MAY HAVE MORE RESTRICTIONS APPLIED
- LOAN COMMITMENTS ARE VALID FOR ONE YEAR AND EXPIRE IF THE WORK IS NOT COMPLETED WITHIN THAT TIME PERIOD
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAM AFTER ORIGINAL CAPITAL BUDGET ALLOCATION
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS
- OWNER TO OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR EXTERIOR AND INTERIOR IMPROVEMENTS (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION)
- LOAN APPLICATION REVIEWED BY BUILDING DEPARTMENT, LOANS DIVISION WITH INPUT FROM THE B.I.A. BOARD, AND IN CASES OF HERITAGE BUILDINGS, THE CITY'S PLANNING DEPARTMENT
- REPORT SENT TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL RECOMMENDING APPROVAL OF LOAN
- LOAN COMMITMENT PROVIDED IN WRITING. ONLY AT THAT TIME CAN WORK BEING FUNDED COMMENCE
- PROGRESS PAYMENT MAY BE REQUESTED AND ISSUED AFTER INSPECTION AND CONFIRMATION WORK COMPLETED AS PER THE ONTARIO BUILDING CODE

10

C(ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 25

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Chris Firth-Eagland
Acting Director of Public Works

SUBJECT: Downtown Hamilton Community Improvement Plan;
Commercial Loan Programs

RECOMMENDATION:

- i) That the Community Improvement Plan for the Downtown Hamilton Business Improvement Area (B.I.A.), attached as Appendix 'A', be adopted in order to implement the Commercial Loan Programs; and,
- ii) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
- iii) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law.

C. Firth-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Commercial Loan Program is administered by the Loans Division of the Building Department and extended to property and business owners within Hamilton's B.I.A.'s. The Program is funded one hundred percent (100%) with municipal monies from account number CH 25300 00321.

BACKGROUND:

In accordance with The Planning Act, 1990, Section 28, the City of Hamilton must designate a Community Improvement Project Area and create a corresponding Community Improvement Plan in order to offer loans and grants to property and business owners.

In order to continue to offer loans under the City of Hamilton's Commercial Loan Programs to the Downtown Hamilton B.I.A.'s property and business owners, the Downtown Hamilton Community Improvement Project Area was approved by City Council, at its meeting held 1994 August 30, which area identifies the geographic boundaries of the B.I.A.

City Council at its meeting held 1994 August 30, directed staff from the Public Works Department to create the Community Improvement Plan for Downtown Hamilton and to hold a Public Meeting to receive citizen input on the Plan as required under The Planning Act, 1990, Section 28. Subsequently the Plan was created and a Public Meeting was held on 1994 October 18 to receive citizen input at which time no changes were identified.

HM:hm

Attach.

c.c. Alderman V. Agro
Ward Two

Alderman Wm. McCulloch
Ward Two

Mr. G. McTaggart, Executive Director
Downtown Hamilton B.I.A.

Ms. P. Noe Johnson, City Solicitor
Attn: Mr. A. Zuidema, Solicitor

Mr. A. Ross, City Treasurer
Attn: Mr. B. Hill, Senior Accounting Clerk II

Mr. L. King, Building Commissioner
Attn: Mr. J. Robinson, Co-ordinator of Housing Loans

**THE DOWNTOWN HAMILTON
COMMUNITY IMPROVEMENT PLAN**

1994 OCTOBER

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN.

PURPOSE:

TO ESTABLISH A PLAN FOR THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL LOAN PROGRAMS.

PREFACE:

THE FOLLOWING PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA WHICH WILL ALSO BE DESIGNATED BY BY-LAW, BY HAMILTON CITY COUNCIL.

INTRODUCTION:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA FALLS WITHIN THE CENTRAL POLICY AREA AS PER THE CITY OF HAMILTON'S OFFICIAL PLAN. ACCORDINGLY, THE AREA IS TO BE PROMOTED AS A MULTI-USE NODE BY CREATING AN ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE, WORK, DO BUSINESS, SHOP OR VISIT. DOWNTOWN HAMILTON IS A MAJOR COMMERCIAL AREA WITHIN THE CENTRAL POLICY AREA. IN AN EFFORT TO ENERGIZE AND REVITALIZE THE AREA, THE CITY OF HAMILTON HAS UNDERTAKEN IMPROVEMENTS TO THE STREETScape SUCH AS, BUT NOT LIMITED TO, INTERLOCKING BRICK, IMPROVED LIGHTING, INSTALLATION OF BENCHES, ETC. ANOTHER IMPORTANT ASPECT OF IMPROVING THE VISUAL APPEARANCE OF THE AREA INVOLVES THE UPGRADING OF EXISTING BUILDING FRONTS AND INTERIORS TO NOT ONLY INCREASE THE ATTRACTIVENESS OF THE AREA, BUT ALSO PROVIDE A TOOL FOR MERCHANTS TO IMPROVE THEIR COMMERCIAL IMAGES. SINCE THE AGE OF THE EXISTING BUILDINGS RANGE FROM ONE HUNDRED AND THIRTY YEARS OLD TO SEVENTY YEARS OLD, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS AND TENANTS OF BUILDINGS TO RENOVATE VIA LOANS ADMINISTERED UNDER THE COMMERCIAL LOAN PROGRAMS.

COMMERCIAL LOAN PROGRAM

IN A REPORT SUBMITTED BY THE PUBLIC WORKS DEPARTMENT (NEE COMMUNITY DEVELOPMENT DEPARTMENT) DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF THE COMMERCIAL FACADE LOAN PROGRAM. SUBSEQUENTLY CITY COUNCIL AT ITS MEETING HELD 1986 JUNE 24 GAVE THE DEPARTMENT OF PUBLIC WORKS (NEE COMMUNITY DEVELOPMENT) AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAM BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE. FURTHERMORE, ON 1993 JANUARY 12, CITY COUNCIL APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL LOAN PROGRAM FOR THE UPGRADING OF THE INTERIOR OF COMMERCIAL BUILDINGS LOCATED WITHIN BUSINESS IMPROVEMENT AREAS. THE FUNDS FOR THE NEW PROGRAM WERE COMBINED WITH THE EXISTING COMMERCIAL FACADE LOAN PROGRAM FUNDS AND THE PROGRAM WAS RENAMED THE "COMMERCIAL LOAN PROGRAM".

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.) DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1990, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL LOAN PROGRAM TO BE IMPLEMENTED. THE PROGRAM IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS AND TENANTS FOR REHABILITATION AND IMPROVEMENTS TO COMMERCIAL PROPERTIES LOCATED IN (B.I.A.'S). A LOW INTEREST LOAN COVERING 100% OF THE ELIGIBLE EXTERIOR IMPROVEMENT COSTS TO A MAXIMUM OF \$15,000. PER MUNICIPAL ADDRESS IS AVAILABLE. IN ADDITION THE OWNER OF REAL PROPERTY MAY ALSO OBTAIN AN ADDITIONAL \$10,000. LOAN FOR INTERIOR IMPROVEMENTS. IN CASES WHERE AN OWNER OWNS SEVERAL PROPERTIES WITHIN A B.I.A. THE MAXIMUM ANY ONE OWNER CAN OBTAIN IS \$45,000. FOR THE EXTERIOR, AND \$30,000. FOR INTERIOR WORK. OWNERS OF BUSINESSES WHO DO NOT OWN ANY REAL PROPERTY MAY BORROW A MAXIMUM OF \$2,000. FOR MODIFICATIONS OR IMPROVEMENTS.

THE INTEREST RATE ON THE LOAN IS ONE-HALF OF THE PRIME INTEREST RATE AT THE BANK OF COMMERCE ON THE DATE THE LOAN AGREEMENT IS SIGNED.

THE LOAN IS AMORTIZED OVER A MAXIMUM OF 10 YEARS AND SECURED BY A LIEN REGISTERED ON TITLE AND/OR A PROMISSORY NOTE.

THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL LOAN PROGRAM GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, AREA OF IMPLEMENTATION.

CONCLUSION:

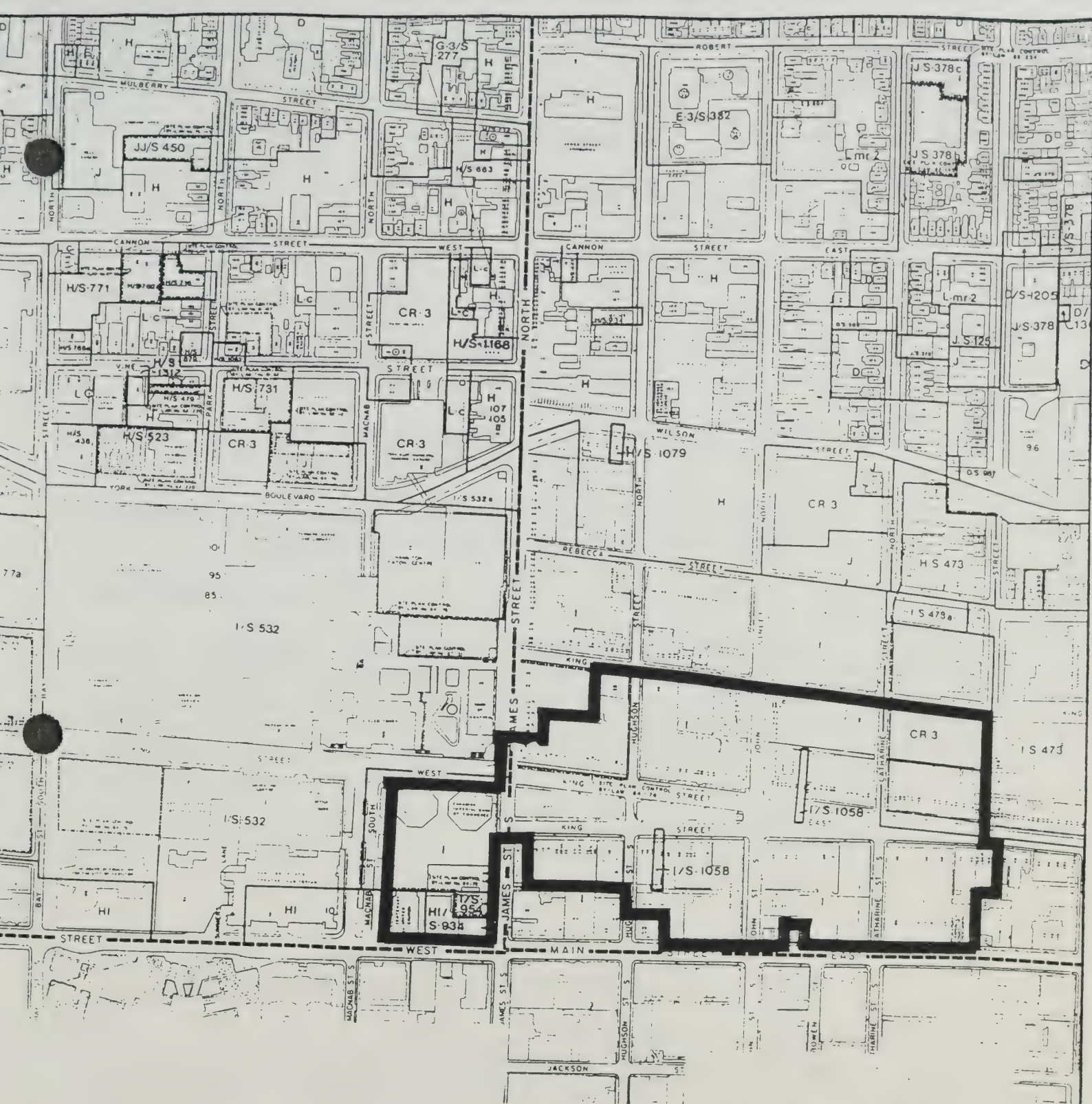
THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FACADES AND INTERIORS, RATHER THAN LARGE SCALE REDEVELOPMENT.

COMMERCIAL LOAN PROGRAM

GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S)
- LOANS AT AN INTEREST RATE OF ONE-HALF OF THE CITY'S PRIME BORROWING RATE
- MAXIMUM LOAN AMOUNT \$15,000. PER PROPERTY OWNER FOR EXTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$10,000. PER PROPERTY OWNER FOR INTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$2,000. PER BUSINESS OPERATOR THAT DOES NOT OWN REAL PROPERTY
- MAXIMUM LOAN ANY ONE OWNER OF SEVERAL PROPERTIES WITHIN A B.I.A. CAN OBTAIN IS \$45,000. EXTERIOR, AND \$30,000 INTERIOR
- LOAN AMORTIZED OVER TEN YEARS (OPEN)
- BUILDING ENVELOPE TO BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES CORRECTED, BEFORE OPTIONAL IMPROVEMENTS DETERMINED BY OWNER OR OPERATOR.
- IMPROVEMENTS ELIGIBLE INCLUDE: RE-ROOFING; REPAINTING; REPOINTING MASONRY OR BRICKWORK; REPAIRING CORNICES AND OTHER ARCHITECTURAL DETAILS; REDESIGNED STORE FRONTS; REMOVAL OF INAPPROPRIATE SIGNAGE; INSTALLATION OF APPROPRIATE NEW SIGNAGE; WINDOW REPAIR AND RESTORATION; RESTORATION OF ORIGINAL FACADE APPEARANCE; CANOPIES AND AWNINGS; INTERIOR FIXTURES, INCLUDING PARTITIONS; INTERIOR DECORATING INCLUDING LIGHTING, PAINTING, WALLPAPER; "BUILT-IN" SHOWCASES, FREEZERS, SPECIAL PLUMBING; INTERIOR SIGNAGE, ETC.
- PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, SOLICITORS, ETC. ARE AN ELIGIBLE EXPENSE)
- LOAN REPAYED ON MONTHLY BASIS. NO PENALTY APPLIED FOR FULL PAYMENT BEFORE THE TERM OF LOAN.
- LOAN MAY BE TRANSFERRED TO A NEW OWNER PROVIDING THE NEW OWNER MEETS AND AGREES TO THE TERMS AND CONDITIONS OF THE LOAN (THIS APPROVAL MUST BE REQUESTED IN WRITING AND WILL BE CONFIRMED IN WRITING BY THE CITY).
- APPLICANT MUST BE THE REGISTERED OWNER OF THE COMMERCIAL PROPERTY
- OWNERS' OR TENANTS' TAXES AND B.I.A. LEVIES MUST BE CURRENT

- LOANS MUST BE RECOMMENDED BY THE B.I.A. BOARD AND APPROVED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL
- NO RESTRICTIONS ON DEMOLITIONS EXCEPT THAT ANY OUTSTANDING LOANS MUST BE REPAYED TO THE MUNICIPALITY. BUILDINGS THAT ARE DESIGNATED UNDER THE HERITAGE ACT MAY HAVE MORE RESTRICTIONS APPLIED
- LOAN COMMITMENTS ARE VALID FOR ONE YEAR AND EXPIRE IF THE WORK IS NOT COMPLETED WITHIN THAT TIME PERIOD
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAM AFTER ORIGINAL CAPITAL BUDGET ALLOCATION
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS
- OWNER TO OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR EXTERIOR AND INTERIOR IMPROVEMENTS (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION)
- LOAN APPLICATION REVIEWED BY BUILDING DEPARTMENT, LOANS DIVISION WITH INPUT FROM THE B.I.A. BOARD, AND IN CASES OF HERITAGE BUILDINGS, THE CITY'S PLANNING DEPARTMENT
- REPORT SENT TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL RECOMMENDING APPROVAL OF LOAN
- LOAN COMMITMENT PROVIDED IN WRITING. ONLY AT THAT TIME CAN WORK BEING FUNDED COMMENCE
- PROGRESS PAYMENT MAY BE REQUESTED AND ISSUED AFTER INSPECTION AND CONFIRMATION WORK COMPLETED AS PER THE ONTARIO BUILDING CODE



APPENDIX 'B'

All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<table border="1"> <tr> <td>40</td> <td>107</td> <td>106</td> </tr> <tr> <td>127</td> <td>21</td> <td>10</td> </tr> <tr> <td>92</td> <td>41</td> <td>31</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>	40	107	106	127	21	10	92	41	31	<p>CITY OF HAMILTON</p> <p>CENTRAL ZONING</p>	
40	107	106									
127	21	10									
92	41	31									
<p>Neighbourhood Boundary Zoning Boundary.</p>	<p>0 100m SCALE 50m</p> <p>NORTH</p>	<p>PAGE NO 21</p>									
<p>Prepared For The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Westwirth</p>	<p>PLANNING UNIT NO 6704</p>										

<p>CITY OF HAMILTON</p> <p>BEASLEY ZONING</p>	
<p>0 100m SCALE 50m</p> <p>NORTH</p>	<p>PAGE NO 10</p>
<p>PLANNING UNIT NO 6703</p>	

BACKGROUND:

The Commercial Improvement Programme was established to fund streetscape improvements on publicly owned lands within Hamilton's Business Improvement Areas (B.I.A.s). Since 1987 B.I.A.'s have applied annually to the Parks Division - Community Renewal Section of the Public Works Department for funding requests of various streetscape improvements. These improvements have included items such as: benches, banners, planters, alleyway lighting, garbage containers and paving of alleyways.

City Council, at its meeting held 1994 October 25, adopted a recommendation which approved the Westdale Village B.I.A.'s proposal for the re-routing of pedestrian traffic to the north and south sidewalks on King Street between Marion Avenue and Paisley Avenue by removing and relocating the existing crosswalk lines and negating pedestrian traffic from the parking meter islands by converting them to garden areas.

To proceed further with the plans for construction, permission is required from the Planning and Development Committee for the utilization of Commercial Improvement Programme funds towards the project. The remainder of the B.I.A.'s requests for the allocation of the balance of the C.I.P. funds will be brought back to the Committee for its approval at a later date.

Recognizing the seasonal nature of some aspects of this development proposal, i.e. concrete sidewalk and wheelchair ramp construction and the lateness of this approval, the project will be implemented in the spring of 1995 to facilitate planting of the floral component in conjunction with the balance of the City's traffic island programme.

ME:me

c.c. B. Chrystian, Manager, Parks Division
c.c. B. Hill, Treasury Department

D

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 October 26

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- a) Information Report dated 1994 October 24 from the Commissioner of Planning and Development and the Director of Local Planning re: Approved Site Plan Control Applications

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes, and is being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that is recorded in the Minutes for future reference.

Touzel

URBAN/MUNICIPAL
CAY ON HBL AOS
C51P4
1994



Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

NOTICE OF MEETING

DEC 7 1994

Planning and Development Committee

GOVERNMENT DOCUMENTS

Wednesday, 1994 December 7
9:30 o'clock a.m.
Room 233, City Hall

Charlene Touzel, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Rental Housing Protection Act Application CD-94-001 - 22-24-26 John Street North
2. a) Zoning Application 93-26, 822827 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning for Blocks "1" and "4" from "DE-2" District to "R-4" District; Blocks "2" and "3" from "E-2" District, modified, for "R-4" District; and Block "5" from "DE-2" District, modified, to "C" District, for lands located in the area north of Limeridge Road East and west of Upper Kenilworth Avenue (extension of Lockheed Drive)
- b) Revision to Draft Plan Approval "Wisemount Estates" Subdivision
3. City Initiative 94-C - Monster Homes
- a) Submission - Robert Savelli, 7 Carwyn Crescent, Hamilton
- b) Submission - Eva Crevier, 10 Norfolk Street North, Hamilton

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL PLANNING

4. Revised Plan of Subdivision "Redhill Vista" (Luval)

5. Application to Remove Part Lot Control - "Claudette Gardens, Phase 5" Subdivision

BUILDING COMMISSIONER

6. Canadian Mental Health Association - Terminate Joint Rehabilitation Loan Program
7. Fee for Roofing Permits

8. **DIRECTOR OF PUBLIC WORKS/DIRECTOR OF TRAFFIC SERVICES**

Westdale Village Business Improvement Area (B.I.A.) - Redevelopment of Traffic Islands located on the North and South Sides of King Street West between Paisley Avenue and Marion Avenue into Planting Islands

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

9. Endorsement of Ontario Heritage Act - Proposed Legislation
10. CN Station, 360 James Street North (241 Stuart Street) - Designation
11. Heritage Easement - Former Bank of Montreal Building (report available at meeting)

12. **CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**

Accessibility of Public Parks within the Central Area

13. **CONSENT AGENDA**

14. **PRIVATE AND CONFIDENTIAL AGENDA**

15. **OTHER BUSINESS**

16. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Definition of "Foster Home" and "Residential Care Facility"	1992 November 18	Alderman T. Cooke	Planning & Building Departments to prepare a report
3.	Implementation of Public Participation Policies - Central Area Plan	1993 March 24	Planning	Planning to prepare guidelines based on CAPIC Report dated 1993 March 11
4.	Report on Merits of having Regional Planning Department back to City level	1994 February 16	J. Pavelka, C.A.O.	Tabled
5.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
6.	ZA-93-47 200 Rymal Road East	1994 April 20	Applicant	Tabled to allow applicant to resubmit amended application.
7.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
8.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
9.	Firenze & Greencedar - Retaining Wall	1994 September 21	Roads/Building Departments	Tabled Pending Report
10.	ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
11.	Official Plan Review	1994 October 5	Planning	Staff to prepare Terms of Reference including issues to be studied, timing and costs
12.	ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation	1994 October 5		Tabled at applicant's request to resolve outstanding issues
13.	Deletion of Public Parking Lots as Permitted Uses in Downtown Area and "CR" Districts	1994 October 5	Planning	Ad-hoc Committee established - Planning Department to work with various interest groups to study proposal

14.	Billiard Halls - Review Planning Approach	1994 November 2	Planning	Planning to report back on planning approach and restrictions to billiard halls
15.	Albion Falls Modified Neighbourhood Plan Review	1994 November 2	Planning	Staff to hold public meeting and report back at 1994 December or 1995 January meeting

1994 November 30

1

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 25
(CD-94-001)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V.J. Abraham
Director of Local Planning

SUBJECT: Rental Housing Protection Act Application - CD-94-001 -
22-24-26 John Street North.

RECOMMENDATIONS:

1. That approval be given to Application CD-94-001, Rental Housing Protection Act, Scott Cooper, owner, for conversion of 12 rental apartment units to condominium units for property located at 22-24-26 John Street North, subject to the following conditions:
 - i) that this RHPA approval shall cease and be at an end,
 - 1) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - 2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
 - ii) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
 - iii) in the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property enters into an

assumption agreement to assume the obligations of the Owner herein.

2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Scott Cooper

Existing Building

The property is a four-storey building consisting of two ground floor commercial units and twelve apartments on the upper three floors. The residential component of the building is comprised of nine (9) one-bedroom units and three (3) two-bedroom units. All of the units are vacant.

Staff of the Heritage Planning Section of the Local Planning Branch have advised the building was constructed in the 1850's and has been used for a variety of purposes including a temperance hall, a vaudeville theatre, an Oddfellow's hall, and an opera house. The upper three floors of the building were converted to apartments in 1915 and were known as the "Windsor Apartments". The ground floor has been used for a variety of retail uses.

Nature of the Application

The building is currently vacant and consists of two commercial units and twelve rental residential units. The applicant is seeking to convert the fourteen units to condominium units - two commercial condominium units and twelve residential condominium units. Only the conversion of the rental residential units require approval under the Rental Housing Protection Act. The applicant has indicated that the nine (9) two-bedroom units will be sold for \$60,000; the three (3) two-bedroom units will be sold for \$70,000; and the two (2) commercial units will be sold for \$80,000. For the purpose of the RHPA application, only the residential units are considered. A key map, showing the location of the property, is attached.

Rent Details

The following rents were in effect as of September 1, 1994:

- One bedroom units: \$850.00 per month
- Two bedroom units: \$950.00 per month

Proposed Conversion Details

The applicant has advised that the building was renovated in 1990. As part of the conversion of the building, the applicant will be installing new carpeting and painting the units.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing in the municipality. The Act regulates changes to the supply of rental housing arising from renovation or repair, conversion to condominium and other uses, demolitions, and severances. The subject application involves the conversion of twelve (12) rental residential units to condominiums; approval of the conversion by Council is required under the Rental Housing Protection Act.

The Rental Housing Protection Act provides Council with the authority to approve changes to the supply of rental housing on one of the following three grounds:

- i) the building is not physically sound;
- ii) the existing tenants are provided similar accommodation in terms of size and rent; and/or,
- iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

The applicant is not claiming the building is structurally unsound but intends to convert the units within the existing building. Criteria i), therefore, is not applicable. The building is currently vacant and there are no tenants to be relocated; therefore, criteria ii) is also not applicable. The third criteria, the impact on the supply of rental housing in the City of Hamilton, is relevant in evaluating whether or not this application should be approved.

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

Canada Mortgage and Housing Corporation (CMHC) prepares a Rental Market Report semi-annually. This report is used to ascertain potential impacts on the rental housing market relative to proposed condominium conversions. CMHC has divided the City of Hamilton into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone". The Downtown Core Zone is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street, and on the east by Wentworth Street.

Rental Housing Supply

The proposed conversion of the units would have a negligible impact on the overall supply of rental housing in the City and in the Downtown Core. It would represent a reduction of 0.04 percent in the 31,371 apartment units (in structures containing six or more units) in Hamilton and a reduction of 0.11 percent in the 10,911 apartment units (in structures containing six or more units) in the Downtown Core Zone.

Monthly Rents

The existing rents are not within the "affordable" range for the Hamilton area, as defined by the most recent Land Use Planning for Housing Policy Statement Information Bulletin (1992). This bulletin sets the affordable rent as \$810 or less per month for the Hamilton area. The existing rents for these units, \$850 and \$950 per month, are above the affordable rent guideline.

CMHC records the average rent levels for Hamilton and the various zones within Hamilton. The following table identifies the average rent levels by unit type for the City of Hamilton, the Downtown Core, and the subject property (note: Average Rent Levels for October 1993 is the most recent data available).

	Average Rent Levels <u>October 1993</u>		
	<u>Total Hamilton</u>	<u>Downtown Core Zone</u>	<u>Subject Property</u>
One-Bedroom	\$470	\$481	\$850
Two-Bedroom	\$568	\$617	\$950

As shown in the table above, the monthly rents for the subject property are higher than the average rents in both the Downtown Core and the City of Hamilton.

Vacancy Rates

As recorded by CMHC at April, 1994, the rental apartment vacancy rate for City was 2.5 percent (in structures containing six or more units). Apartment vacancy rates have been increasing gradually since 1989 and reached 2.3 percent in April, 1992, for the first time in recent years. A vacancy rate between 2.0 and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in the municipality.

The removal of these units from the supply of rental housing will have a small impact on the vacancy rates for Hamilton. For apartments in buildings of six units or over, the vacancy rate would decrease by 0.04% to 2.46% for the City and by 0.06% to 3.14% for the Downtown Core. In terms of the impact on vacancy rates by unit type, the vacancy rate for one-bedroom apartments would decrease by 0.03% to 2.57% for the City and by 0.14% to 3.56% for the Downtown Core. For two-bedroom units, the vacancy rate would decrease by 0.08% to 2.02% for the City and by 0.3% to 2.5% for the Downtown Core, after the conversion of these units. Overall, the changes in vacancy rate are small. In addition, the post-conversion vacancy rates would remain greater than 2.0%, which is considered to be the threshold for a healthy rental marketplace by CMHC.

The Regional Official Plan addresses the issue of conversion to condominium under Policy 8.7a), which states that conversion of rental housing shall be approved only when the vacancy rate for the municipality in which the units to be converted are located is 2 percent or higher (based on two consecutive bi-annual apartment surveys conducted by CMHC). Further, conversion will only be approved when the conversion will not lower the vacancy rate below 2 percent. This application is consistent with the policies of the Regional Official Plan. Further, the conversion of the units will not take the vacancy rates below 2.0 percent which is again consistent with the Regional Official Plan.

Summary

The Rental Housing Protection Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. **Based on the foregoing analysis of rental supply, monthly rents, and vacancy rates, the removal of 12 rental residential units from the supply of rental housing would not cause an adverse impact on the supply of rental housing or on the related vacancy rates for the City or the Downtown Core.**

AFFORDABILITY OF CONVERTED UNITS:

The applicant has indicated the units will be sold at the following prices:

One-Bedroom:	\$60,000
Two-Bedroom:	\$70,000

According to the Land Use Planning for Housing Policy Statement Information Bulletin (1992), these units would be "affordable" as ownership dwellings. With a 25 percent downpayment, they would be affordable to those between the 22nd and 26th household income percentile. The one-bedroom units would be affordable to households earning between \$18,738 and \$20,980 annually and the two-bedroom units would be affordable to households earning between \$21,027 and \$23,643 annually.

The conversions of these units to condominium would bring the units into the "affordable" price

range for ownership units. As rental units, these apartments are above the "affordable" rental price for the Hamilton market.

COMMENTS:

1. The application for conversion to condominium of the 12 rental residential units can be supported on the following basis:
 - a) there would not be an adverse impact on the supply of affordable rental residential accommodation in the City of Hamilton or the Downtown Core Zone;
 - b) an approval of the application would provide the opportunity for affordable home ownership in the City's Downtown Core;
 - c) the conversion would bring rental units that are currently beyond the affordable rent for the City of Hamilton into the supply of affordable home ownership;
 - d) an approval of the application will facilitate the retention of a listed building of architectural and historic significance.

2. Council may specify those conditions it deems appropriate in regard to the approval of an application under the Rental Housing Protection Act. As the building is vacant, conditions regarding existing tenants (such as purchase of units by tenants and/or relocation of tenants to other suitable accommodation) are not applicable. However, Council can impose other conditions to ensure the intent of the Act is fulfilled. It is recommended, therefore, the following conditions be imposed:
 - a) the owner is to enter into an RHPA Approved Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property; and,
 - b) the approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval.

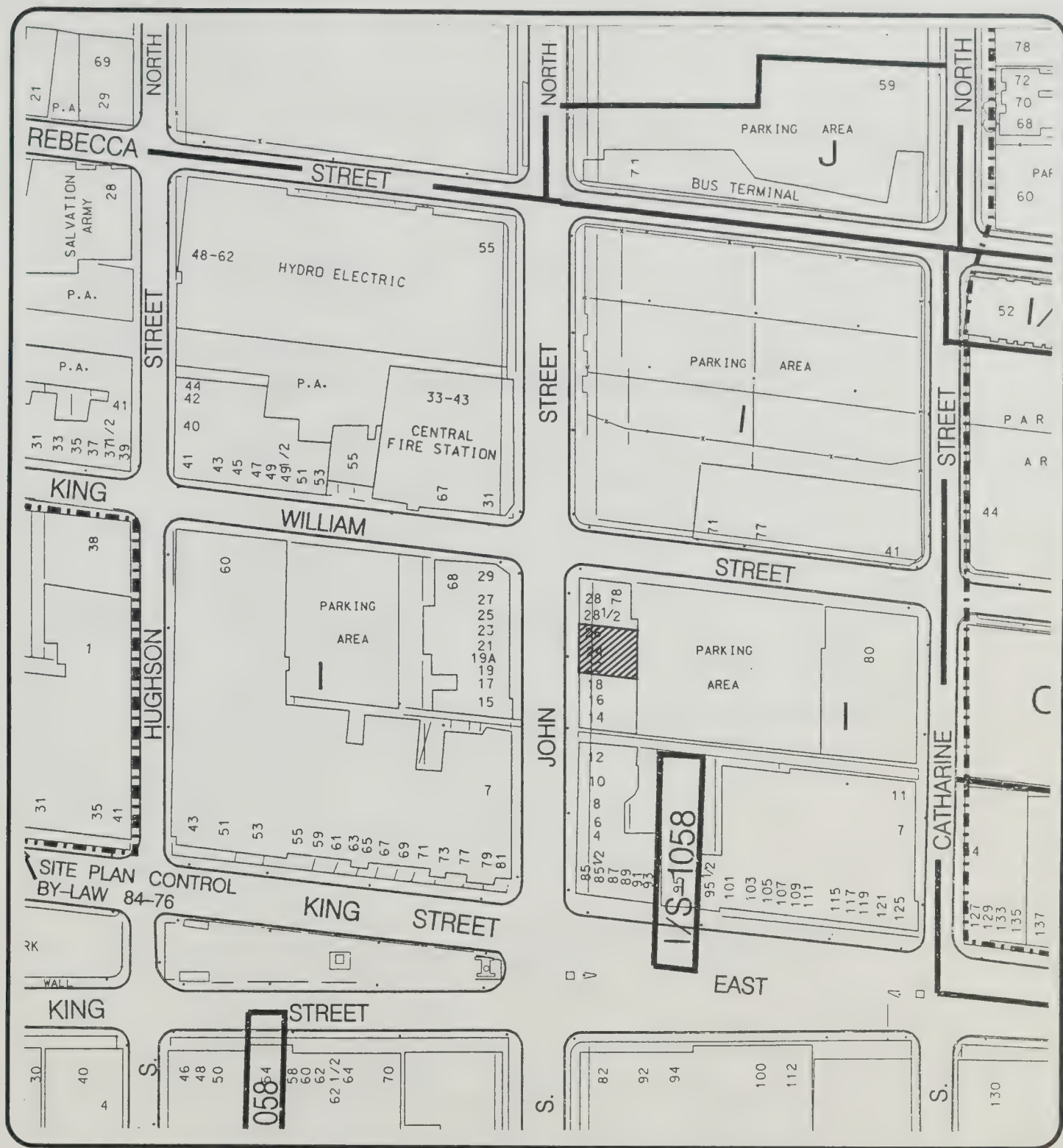
Upon satisfaction of the above-noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

3. The owner will be required to enter into a registered plan of condominium through an application to the Region of Hamilton-Wentworth.

CONCLUSION:

On the basis of the foregoing, the application can be supported. It is recommended that conditions, as outlined above, be included in the approval.

MLT/



City of Hamilton

Key Map

Rental Housing Protection Act

22 - 24 - 26 John St. N.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
NOVEMBER 1994

Reference File No.
CD-94-001

Drawn By
Z.K.

2

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 30

REPORT TO: Charlene Touzel
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: 1. Proposed Rezoning Application
(ZAC-93-26)

2. Request to Revise Draft Approval "Wisemount Estates" Subdivision
(Regional File 25T-83004)

RECOMMENDATION:

1. Zoning Application

(A) That approval be given to amended Zoning Application ZAC-93-26, 822827 Ontario Inc. (A. DiSilvestro), owner, requesting changes in zoning from: "DE-2"(Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District (Blocks "1" and "4"); "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District (Blocks "2" and "3"); and, "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "5"), to permit the development of Blocks "1", "2", "3" and "4" for small lot single-family detached dwellings and Block "5" for single-family detached dwellings, for lands located north of Limeridge Road East and west of Upper Kenilworth Avenue (proposed extension of Lockheed Drive), as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Blocks "1" and "4" be rezoned from "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District;

- ii) That Blocks "2" and "3" be rezoned from "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District;
 - iii) That Block "5" be rezoned from "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council;
 - v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - vi) That the Lisgar Neighbourhood Plan be amended as follows: redesignate Blocks "1", "4" and "5" from "Low Density Apartments" to "Single & Double Residential"; and, redesignate Blocks "2" and "3" from "Medium Density Apartments" to "Single & Double Residential".
- (B) That By-law No. 74-187 be amended to delete Clause 1 of Section 2, and the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-346a, and that the subject lands on Zoning District Map E-59A be notated S-346a. That the City Solicitor be directed to incorporate this change into the by-law prepared for Recommendation 1.
- (C) That Clause (c) of Section 2 of By-law No. 70-255 be amended to delete "403 dwelling units" and replace it with "326 dwelling units", and the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-166a, and that the subject lands on Zoning District Map E-59A be notated S-166a. That the City Solicitor be directed to incorporate this change into the by-law prepared for Recommendation 1.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide changes in zoning for lands located north of Limeridge Road East and west of Upper Kenilworth Avenue (extension of Lockheed Drive), as shown on the attached map marked as APPENDIX "A", on the following basis:

- Blocks "1" and "4" - from "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District;

- Blocks "2" and "3" - from "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District; and,
- Block "5" - from "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit the development of Blocks "1", "2", "3" and "4" for small lot single-family detached dwellings and Block "5" for single-family dwellings.

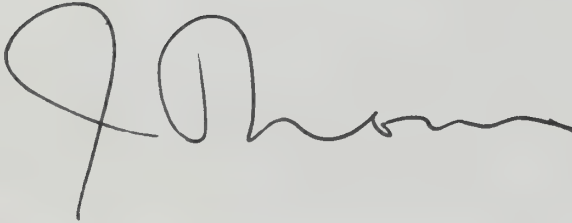
In addition, the proposed by-law deletes the provision in By-law No. 74-187 which requires development at the northwest corner of the future extension of Artistic Boulevard and Embassy Drive to be by registered plan of subdivision. This will allow development to proceed by way of a modified subdivision agreement.

The proposed by-law also modifies a clause in By-law No. 70-255, which specifies a maximum of 403 dwelling units can be developed on those lands zoned "E-2" (Multiple Dwellings) District at the northwest corner of Limeridge Road and Upper Kenilworth Avenue. The effect of this modification is to reduce the maximum number of dwelling units to 326.

2. Subdivision Application

- (A) That approval be given to the request by Mr. A. Cameracci of Urbex Engineering Limited on behalf of 822827 Ontario Inc. (A. Di Silvestro) owner, to further revise a part of the original draft plan approval for "Wisemount Estates" subdivision (formerly "Wisemount Forest Survey - Phase 3"), subject to the following additional conditions:
- (1) That this approval apply to the plan, prepared by S.J. Balaban, O.L.S., dated July 22, 1994, showing forty-three (43) lots for single family detached dwellings, a block for low and medium density apartments and two blocks for road widening purposes.
 - (2) That the owner satisfy all engineering and financial requirements of the City of Hamilton.
 - (3) That the owner dedicate sufficient lands to the City of Hamilton for road widenings along Upper Kenilworth Avenue and Limeridge Road East.

- (4) That all roads be established to their ultimate widths of a minimum of 20.0 metres in width.
 - (5) That the proposed roadway layout conform to the current roadway design requirements for the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (6) That all vehicular access to Block 44 be restricted to Limeridge Road East and/or Upper Kenilworth Avenue.
- (B) That the Regional Commissioner of Planning and Development be advised of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

822827 Ontario Inc. (A. DiSilvestro)

Agent:

A. J. Cameracci, P. Eng., Urbex Engineering Limited

Location:

The lands are located in the vicinity of Limeridge Road East and Upper Kenilworth Avenue in the Lisgar Neighbourhood.

Lot Size and Area:

The subject property has an irregular configuration with an approximate lot area of 1.72 ha (4.25 acres).

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"DE-2" (Multiple Dwellings) District, modified and "E-2" (Multiple Dwellings) District, modified
<u>Surrounding Lands</u>		
to the north	Vacant	"C" (Urban Protected Residential, etc.) District
to the east	Vacant	"E-2" (Multiple Dwellings) District, modified
to the south	Vacant and single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District, modified

REZONING PROPOSAL

The applicant is proposing to rezone the subject lands from "DE-2" (Multiple Dwellings) District, modified and "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District and "C" (Urban Protected Residential) District, to facilitate the completion of a draft plan of subdivision including the subject lands for 34 small lot single-family detached dwellings and 9 single-family dwellings for a total of 43 lots (see attached APPENDIX "A").

The applicant is also requesting that the provision of By-law 74-187 which requires development of the lands at the northwest corner of the future extension of Artistic Boulevard and Embassy Drive proceed by way of registered plan of subdivision be deleted to facilitate the development of these lands by way of severance and a modified subdivision agreement.

Hamilton-Wentworth Official Plan:

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

Hamilton Official Plan:

The subject lands are designated "**Residential**" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
 - iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;

 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;"

The proposal complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Low Density Apartments" (Blocks "1", "4" and "5") and "Medium Density Apartments" (Blocks "2" and "3"). A future walkway designation between Blocks "2" and "3" was deleted by City Council on January 25, 1994, as part of their approval of a revision of the draft plan approval for that part of the subdivision at the northwest corner of Upper Kenilworth Avenue and Limeridge Road. Approval of this application will require redesignation of all the Blocks to "Single & Double Residential".

Land Division Applications H-24 to 26-94 and H-43 to 45-94:

The Land Division Committee approved the above-noted severance applications on July 12 and October 4, 1994 respectively, with the condition (amongst others), that the applicant "Satisfy ALL relevant requirements of the City of Hamilton, including approval of any By-law variances, if required" and "enter into a Modified Subdivision Agreement with the City and Region for all severed and retained lands to the satisfaction of the Regional Roads Department" . The effect of these severance is to create five new lots on the west side of Artistic Boulevard and six new lots on the north side of Embassy Drive (see APPENDIX "C" and "D" attached).

By-law No. 74-187:

By-law No. 73-187, passed by City Council on August 27, 1974, rezoned certain lands north of Limeridge Road East between Lennox Street and Castle Street from "AA" (Agricultural) District to: "C" (Urban Protected Residential, etc.) District, modified; "E-2" (Multiple Dwellings) District, modified; and, "G" (Neighbourhood Shopping Centre, etc.) District, modified (see attached APPENDIX "B").

By-law No. 70-255:

By-law No. 70-255, passed by City Council on September 8, 1970, rezoned Blocks "1", "4" and "5" from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District, modified and Blocks "2" and "3" from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, modified. This by-law includes a modification to the "E-2" District to limit the total number of dwelling units to 403.

Comments Received on Rezoning Proposal:

- The Hamilton Region Conservation Authority and the Traffic Department have no comment or objection.
- The Building Department advises:

"1. The applicant shall ensure that lot width and area requirements are complied with."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

We have no objection to the proposed "R-4" zoning in this application. However, the zoning boundaries must reflect the recommended roadway pattern in this neighbourhood.

According to the preliminary plan submitted by the applicant, the proposed centreline radius of the horizontal curve on Lockheed Drive is 45m. This does not conform to our design criteria in our previous comments on neighbourhood planning to the Planning Department. The minimum curvature for any local roadway is 110m radius to the centre of the road allowance. We also advised that this is the minimum radius and it should be increased wherever possible to do so. Only where those bends in the roadway that are near or at right angles can these standards consider being reduced. We have reviewed a number of alignments for this roadway and recommend that the proposed Lockheed Drive be aligned in accordance with the attached sketch and that the zoning boundaries be adjusted to reflect this street alignment. We recommend that the owner contact this office for more information on these matters.

We are aware that the original draft plan of subdivision was approved in 1983 and that extensions to the draft approval were granted since that time. Since the original draft approval, our standards for road curvature have been revised and we recommend that these upgraded standards be applied to previously approved draft plans of subdivision.

The northerly portion of Lockheed Drive, in Registered Plan 62M-745, was also upgraded to conform with our minimum radius requirements while the original draft approved plan

of subdivision of this area, including the subject lands, contained a substandard horizontal road curvature.

According to our Public Transit Department, they have no objection to the removal of the proposed walkway between Lockheed Drive and Upper Kenilworth Avenue through lands to the southeast provided that the other road connections as shown are maintained."

The Roads Department has further advised that their previous concerns with respect to the alignment of Lockheed Drive have been addressed, as noted in their comments on the draft plan of subdivision.

SUBDIVISION PROPOSAL

The owner proposes to subdivide the lands into 43 lots for single family dwellings and various blocks for roadway and future development purposes (Appendix "E").

In January 1994, the draft approval was revised to change the configuration of Blocks "151", "152" and "153" to create four (4) new blocks. The proposal now is to develop the remaining area (Block "44") as a single block.

Comments Received on Subdivision Proposal:

- The Building Department has advised that they have no objection to the proposal.
- The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"For Information:

1. *The Hamilton Street and Railway Company have indicated that their office is satisfied with the revised draft plan.*
2. *Municipal watermains of sufficient size and capacity on Lockheed Drive, Upper Kenilworth Avenue and Limeridge Road East are available to service these lands directly.*
3. *That municipal storm and sanitary sewers are available of sufficient size and capacity to service these lands directly. The remaining lands of the subdivider are*

to drain into the existing storm and sanitary sewers on Lockheed Drive at the north limit of the proposed subdivision.

Recommendations:

1. *The owner satisfy all engineering and financial requirements of the City of Hamilton.*
 2. *That sufficient lands be dedicated to the City of Hamilton for road widenings along Upper Kenilworth Avenue and Limeridge Road East.*
 3. *That all roads be established to their ultimate width of a minimum of 20.0 metres in width.*
 4. *That the proposed roadway layout conform to the current roadway design requirements for the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.*
 5. *The owner satisfy all engineering and financial requirements of the Region of Hamilton-Wentworth."*
- The City of Hamilton Traffic Department has submitted the following comments:

" It is our understanding that the proposed revision to the previously approved draft plan of subdivision is the establishment of single family lots along the south side of Lockheed Drive. Discussions with the applicant indicate that the portion of Block 44 between lots 14 and 15 is to be used as a servicing corridor with the possibility of establishing a pedestrian access between Lockheed Drive and the future medium density development.

We recommend that, as a condition of approval of the draft plan, vehicular access to the future medium density development be restricted to Limeridge Road and/or Upper Kenilworth Avenue."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

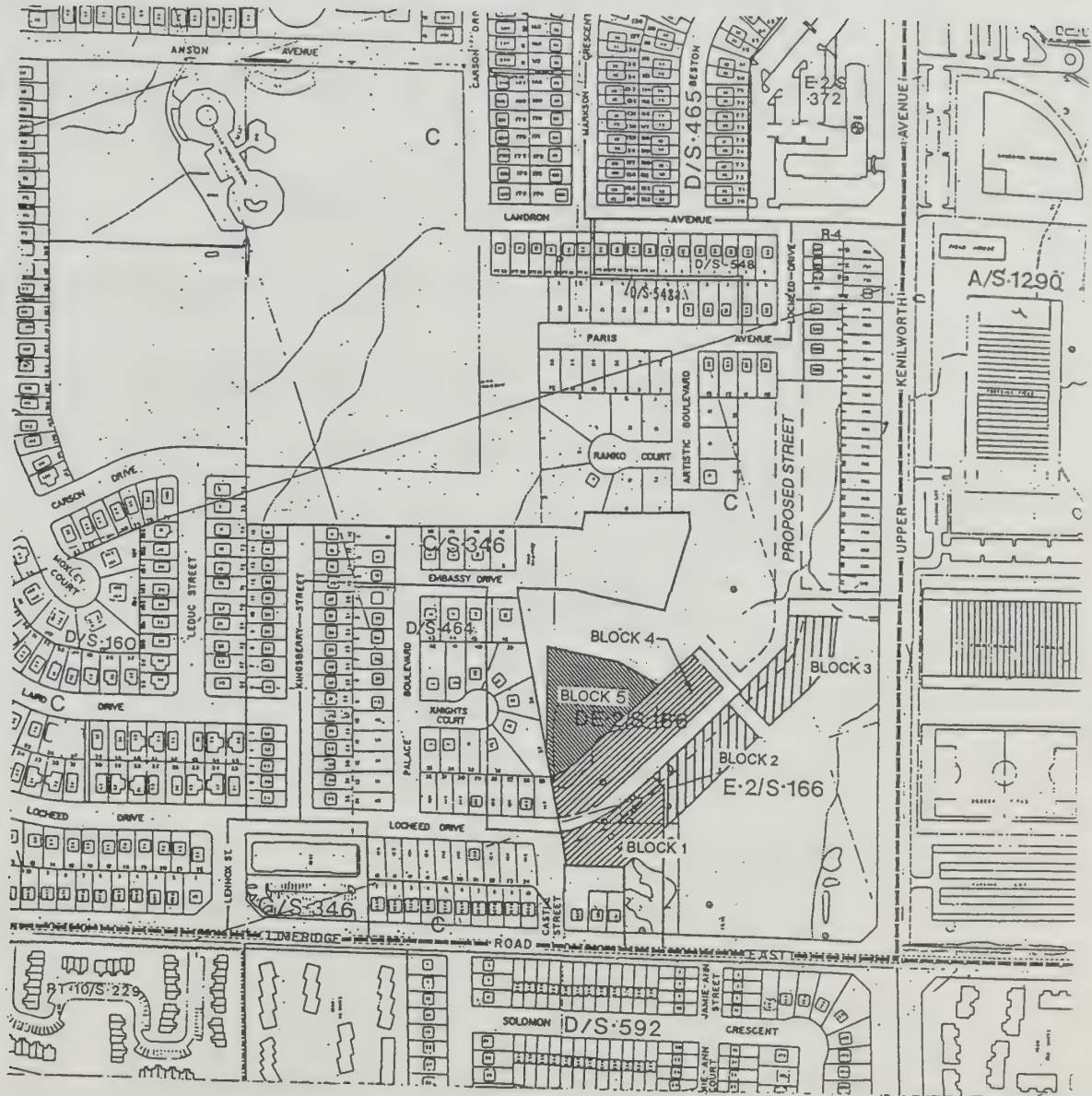
2. The proposal conflicts with the approved Lisgar Neighbourhood Plan. If the application is approved, the following changes are required: redesignate Blocks "1", "4" and "5" from "Low Density Apartments" to "Single & Double Residential"; and, redesignate Blocks "2" and "3" from "Medium Density Apartments" to "Single & Double Residential".
3. The application has merit and can be supported on the following basis:
 - it complies with the intent of the Official Plan;
 - it is compatible with existing and proposed development in the area; and,
 - it down zones the lands from multiple family to single family dwellings which provides for a more appropriate gradation in density between the "C" District zoned and developed lands to the west and the "E-2" District lands at the intersection of Limeridge Road and Upper Kenilworth Avenue.
4. The applicant is requesting the removal of lands at the northwest corner of the future extension of Artistic Boulevard and Embassy Drive from the provisions of By-law No 74-187, which requires development by means of a registered plan of subdivision. The Land Division Committee recently approved six applications for severance to create eleven lots, conditional upon the applicant receiving any necessary by-law variances and that the applicant enter into a Modified Subdivision Agreement with the City and Region for all severed and retained lands, to the satisfaction of the Roads Department. These are the last lands to be developed within the context of By-law No. 74-187. All other lands covered by this by-law have been developed. On this basis, it is appropriate to delete this provision in By-law No. 73-187.
5. By-law No. 70-255 modifies the "E-2" (Multiple Dwellings) District at the northwest corner of Limeridge Road and Upper Kenilworth Avenue, to permit a maximum of 403 dwelling units. This applications rezones Block "2" and "3" from "E-2" District, modified to "R-4" District, thereby reducing the area of the remaining lands zoned "E-2" District by approximately 19%. This would have the effect of permitting a maximum of 403 dwelling units on a smaller piece of land. It is therefore appropriate to reduce the maximum number of permitted units on the "E-2" District lands an equivalent porportion of the land area it is being reduced by this application. This would result in a reduction of approximately 77 dwelling units to a maximum of 326 dwelling units on the "E-2" District lands.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported subject to the owner satisfying the additional conditions of draft plan approval.




CLF/RL/Attach.

ZAC-93-26/T-83004R.REP



LEGEND

Proposed Changes in Zoning From:

- | | | |
|----------------|---|--|
| BLOCKS 1 and 4 |  | "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District. |
| BLOCKS 2 and 3 |  | "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 5 |  | "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District. |



APPROVED

APPENDIX

The Corporation of the City of Hamilton

BY-LAW NO. 74-187

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED ON THE NORTH SIDE OF LIMERIDGE ROAD
IN THE AREA EAST OF UPPER OTTAWA STREET

WHEREAS it is intended to change the zoning on the lands hereinafter referred to and to establish special requirements under Section 19B of By-law No. 6593;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under The Planning Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E.59a of the District Maps appended to and forming part of By-law No. 6593, passed on the 25th day of July, 1950, is amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, those lands comprised in Block 1, and
- (b) by changing from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, those lands comprised in Block 2, and
- (c) by changing from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District those lands comprised in Block 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The "C" District, "E-2" District and "G" District provisions applicable to the land hereinafter referred to are respectively amended to the extent only of the following variances as special requirements:

- 1. As to Blocks 1, 2 and 3 shown on Schedule "A", a registered plan of subdivision;
- 2. As to Block 2 shown on Schedule "A", the density of development shall not exceed 94 dwelling units.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure of part thereof be used, nor shall any land be used except in accordance with,

- (a) as to Block 1, the "C" District provisions, and
- (b) as to Block 2, the "E-2" District provisions, and
- (c) as to Block 3, the "G" District provisions,

subject respectively to the special requirements referred to in Section 2.

4. By-law No. 6593 is amended by adding this by-law to Section 19B as "S-346".

5. Sheet No. E.59a of the District Maps is amended by marking the lands referred to in Section 1, "S-346".

6. The City Clerk is hereby authorized and directed to proceed as soon as possible with the giving of notice of the passing of this by-law, including a brief explanation of its purpose, and with the carrying out of all other directions of The Ontario Municipal Board relating to the giving of such notice.

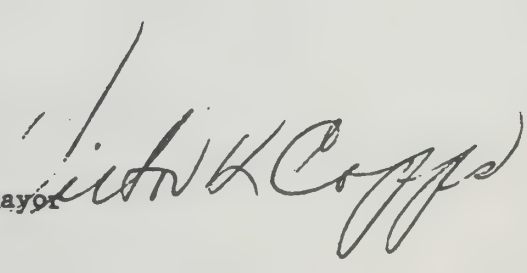
7. The City Solicitor is hereby authorized and directed to make application to The Ontario Municipal Board for the necessary approval of this by-law.

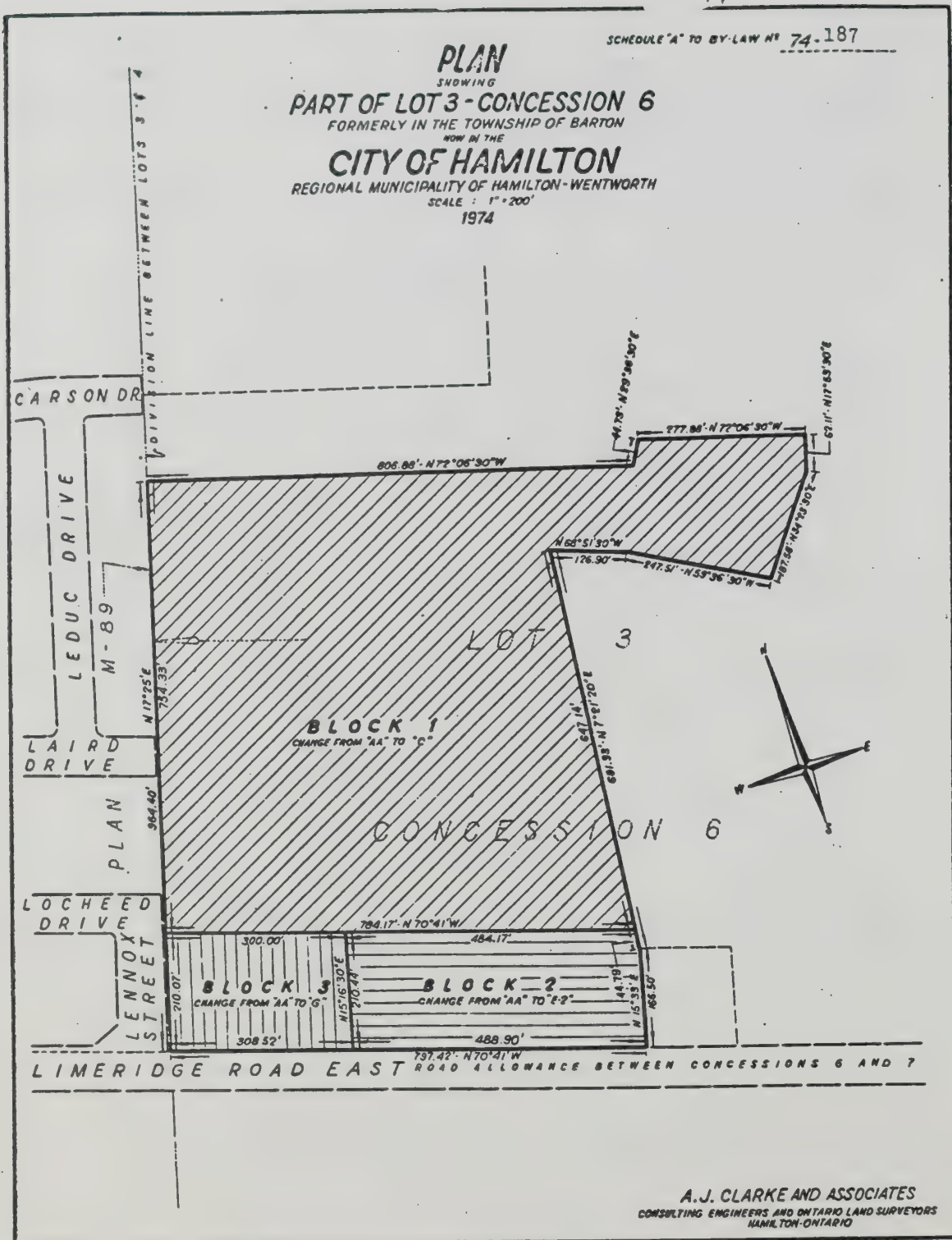
PASSED this 27th day of August A.D. 1974.


Deputy City Clerk.


Mayor

(1974) 16 R.P.D.C. 2, May





Bill No. 185

This is Schedule "A" to By-law No. 74-187 passed the 27th day of august, 1974

[Signature]
Deputy City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

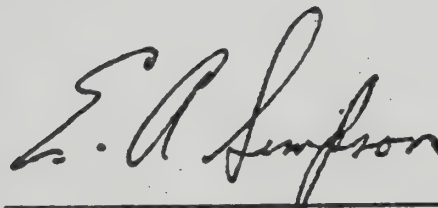
[Signature]
Mayor



EXPLANATORY NOTE

By-law No. 74-187 establishes zoning for the development of 17.5 acres of land located on the north side of Limeridge Road in the area east of Upper Ottawa Street, as shown on Zoning District Map E.59a, on the following basis:

Block 1	14 acres	"C" (Urban Protected Residential, etc.) District to permit single family houses
Block 2	2 acres	"E-2" (Multiple Dwellings) District to permit an apartment building with a maximum of 94 dwelling units
Block 3	1.5 acres	"G" (Neighbourhood Shopping Centre, etc.) District to permit commercial development.



City Clerk
City Hall
HAMILTON, Ontario

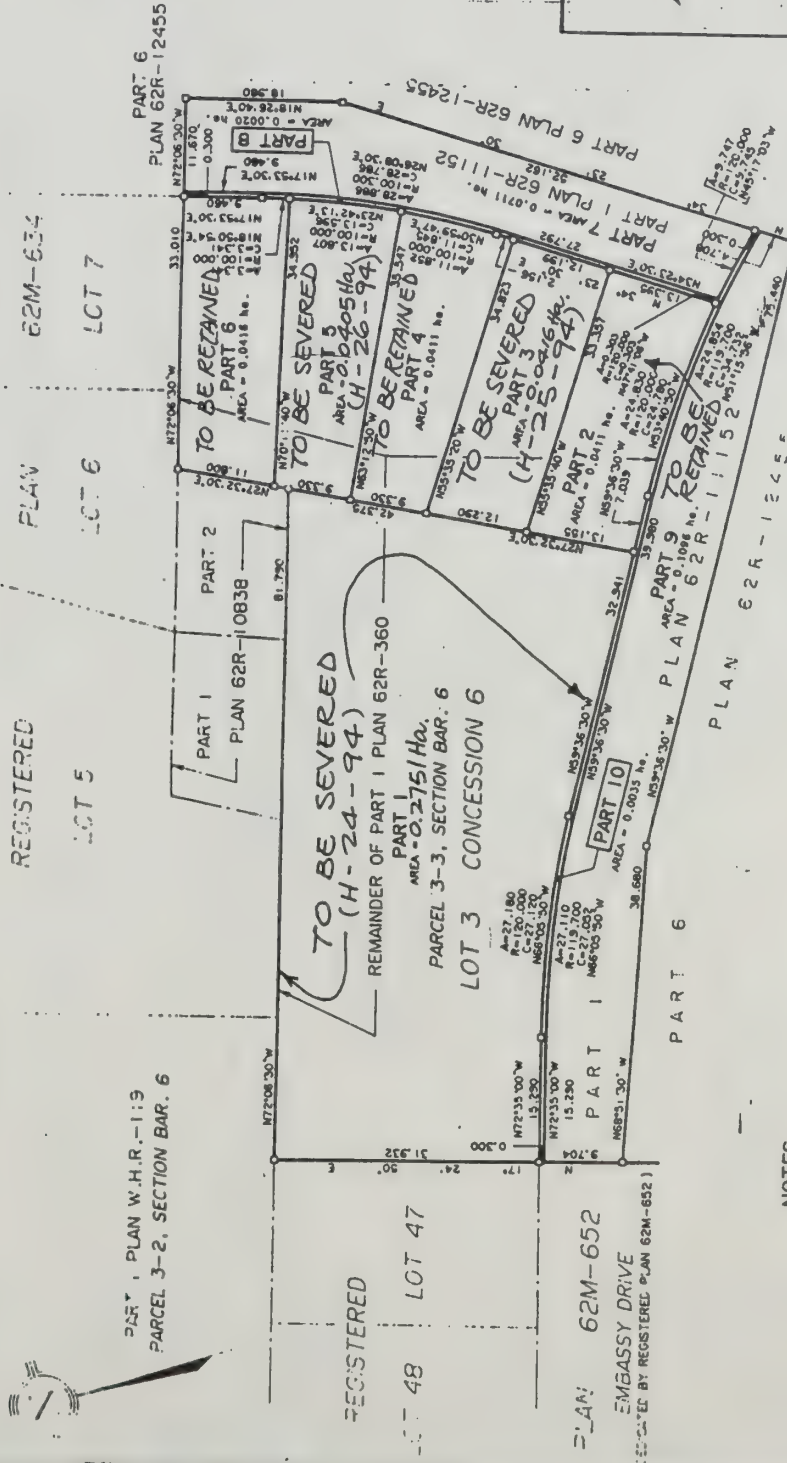
PLAN OF SURVEY OF
PART OF LOT 3,
CONCESSION 6
(TOWNSHIP OF BURTON, COUNTY OF WENTWORTH)
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE:



J. D. BARNES LIMITED
1994

FILE NO: H-24-94
H-25-94
H-26-94
DATE: MAY 31, 1994



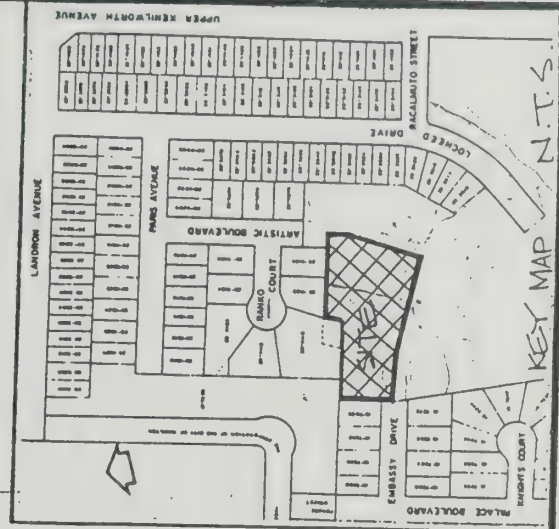
NOTES:
BEARINGS HEREON ARE ASTROMONIC AND ARE REFERRED TO
A BEARING OF
LIMIT OF REGISTERED PLAN

- 1. SURVEY MONUMENT PLANTED
- 2. SURVEY MONUMENT FOR
- 3. (JOB) SURVEY MONUMENT FOR
- 4. SURVEY MONUMENT FOR
- 5. SURVEY MONUMENT FOR
- 6. SURVEY MONUMENT FOR
- 7. SURVEY MONUMENT FOR
- 8. SURVEY MONUMENT FOR
- 9. SURVEY MONUMENT FOR
- 10. SURVEY MONUMENT FOR
- 11. SURVEY MONUMENT FOR
- 12. SURVEY MONUMENT FOR
- 13. SURVEY MONUMENT FOR
- 14. SURVEY MONUMENT FOR
- 15. SURVEY MONUMENT FOR
- 16. SURVEY MONUMENT FOR
- 17. SURVEY MONUMENT FOR
- 18. SURVEY MONUMENT FOR
- 19. SURVEY MONUMENT FOR
- 20. SURVEY MONUMENT FOR
- 21. SURVEY MONUMENT FOR
- 22. SURVEY MONUMENT FOR
- 23. SURVEY MONUMENT FOR
- 24. SURVEY MONUMENT FOR
- 25. SURVEY MONUMENT FOR
- 26. SURVEY MONUMENT FOR
- 27. SURVEY MONUMENT FOR
- 28. SURVEY MONUMENT FOR
- 29. SURVEY MONUMENT FOR
- 30. SURVEY MONUMENT FOR
- 31. SURVEY MONUMENT FOR
- 32. SURVEY MONUMENT FOR
- 33. SURVEY MONUMENT FOR
- 34. SURVEY MONUMENT FOR
- 35. SURVEY MONUMENT FOR
- 36. SURVEY MONUMENT FOR
- 37. SURVEY MONUMENT FOR
- 38. SURVEY MONUMENT FOR
- 39. SURVEY MONUMENT FOR
- 40. SURVEY MONUMENT FOR
- 41. SURVEY MONUMENT FOR
- 42. SURVEY MONUMENT FOR
- 43. SURVEY MONUMENT FOR
- 44. SURVEY MONUMENT FOR
- 45. SURVEY MONUMENT FOR
- 46. SURVEY MONUMENT FOR
- 47. SURVEY MONUMENT FOR
- 48. SURVEY MONUMENT FOR
- 49. SURVEY MONUMENT FOR
- 50. SURVEY MONUMENT FOR
- 51. SURVEY MONUMENT FOR
- 52. SURVEY MONUMENT FOR
- 53. SURVEY MONUMENT FOR
- 54. SURVEY MONUMENT FOR
- 55. SURVEY MONUMENT FOR
- 56. SURVEY MONUMENT FOR
- 57. SURVEY MONUMENT FOR
- 58. SURVEY MONUMENT FOR
- 59. SURVEY MONUMENT FOR
- 60. SURVEY MONUMENT FOR
- 61. SURVEY MONUMENT FOR
- 62. SURVEY MONUMENT FOR
- 63. SURVEY MONUMENT FOR
- 64. SURVEY MONUMENT FOR
- 65. SURVEY MONUMENT FOR
- 66. SURVEY MONUMENT FOR
- 67. SURVEY MONUMENT FOR
- 68. SURVEY MONUMENT FOR
- 69. SURVEY MONUMENT FOR
- 70. SURVEY MONUMENT FOR
- 71. SURVEY MONUMENT FOR
- 72. SURVEY MONUMENT FOR
- 73. SURVEY MONUMENT FOR
- 74. SURVEY MONUMENT FOR
- 75. SURVEY MONUMENT FOR
- 76. SURVEY MONUMENT FOR
- 77. SURVEY MONUMENT FOR
- 78. SURVEY MONUMENT FOR
- 79. SURVEY MONUMENT FOR
- 80. SURVEY MONUMENT FOR
- 81. SURVEY MONUMENT FOR
- 82. SURVEY MONUMENT FOR
- 83. SURVEY MONUMENT FOR
- 84. SURVEY MONUMENT FOR
- 85. SURVEY MONUMENT FOR
- 86. SURVEY MONUMENT FOR
- 87. SURVEY MONUMENT FOR
- 88. SURVEY MONUMENT FOR
- 89. SURVEY MONUMENT FOR
- 90. SURVEY MONUMENT FOR
- 91. SURVEY MONUMENT FOR
- 92. SURVEY MONUMENT FOR
- 93. SURVEY MONUMENT FOR
- 94. SURVEY MONUMENT FOR
- 95. SURVEY MONUMENT FOR
- 96. SURVEY MONUMENT FOR
- 97. SURVEY MONUMENT FOR
- 98. SURVEY MONUMENT FOR
- 99. SURVEY MONUMENT FOR
- 100. SURVEY MONUMENT FOR

SURVEYOR'S CERTIFICATE

- 1. THE SURVEY AND PLAN ARE CORRECT AND TO ACCORDANCE WITH THE SURVEY ACT AND THE LAND SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
- 2. THE SURVEY WAS COMPLETED ON THE 31st DAY OF MAY 1994.

J. D. BARNES
SURVEYOR, LAND SURVEY



KEY MAP
N.T.S.

PLAN OF SURVEY OF
PART OF LOT 3,
CONCESSION 6

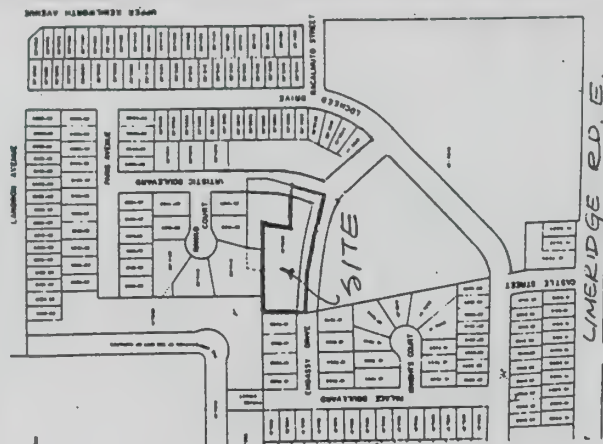
(TOWNSHIP OF BARTON, COUNTY OF WESTMIDLAND)
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

FILE NOS.: H-43-94
H-44-94
H-45-94

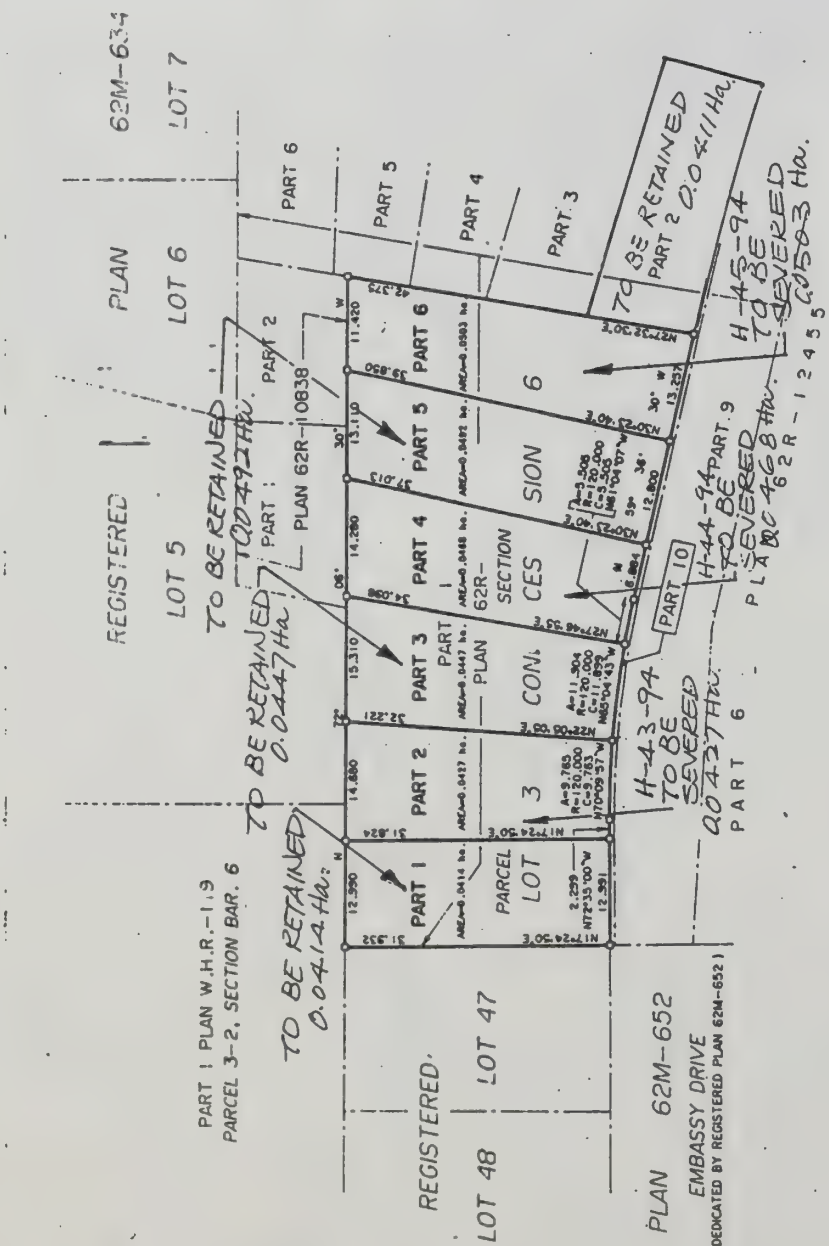
DATE: AUG. 29, 1994

SCALE: N.T.S.

SHEET 2 OF 2



KEY MAP
SCALE: N.T.S.



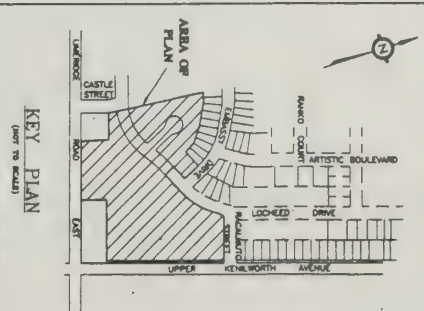
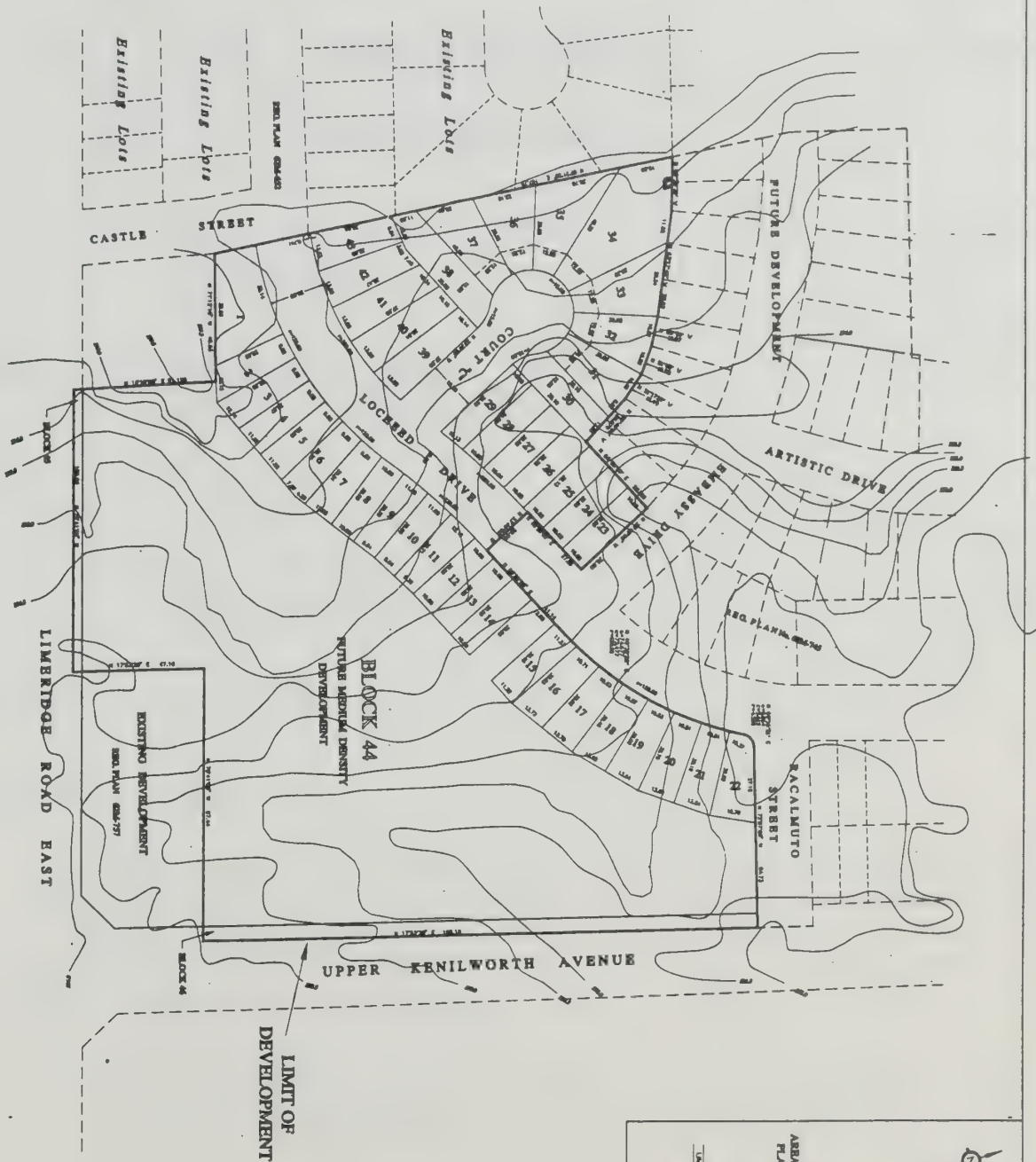
SURVEYOR'S CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE DAY OF 1994.

NOTES:

- BEARINGS HEREON ARE ASTROMONIC AND ARE REFERRED TO AS BEARINGS.
- ALL BEARINGS OF
- DO NOTES SURVEY MONUMENT PLANTED
- DO NOTES SURVEY MONUMENT TO BE PLANTED
- (J.M.) DO NOTES J.D. BARNES LIMITED
- 518 DO NOTES STANDARD IRON BAR
- DO NOTES IRON BAR

Appendix "E"



KEY PLAN
(NOT TO SCALE)

DRAFT PLAN OF SUBDIVISION (AMENDMENT)

BEING PART OF LOT 2, CONCESSION 4,
PREVIOUSLY IN THE TOWNSHIP OF LAMBTON,
NOW IN THE CITY OF LAMBTON,
COUNTY OF LAMBTON - FRONTIER

REQUIREMENTS OF THE PLANNING ACT,
(1965) SECTION 44 (1)

NO. 1
DATE
REVISIONS
DATE

LAND USE SCHEDULE

NO.	LAND USE	PERCENTAGE	AREA (AC.)
1	RESIDENTIAL	100	1.00
2	COMMERCIAL	0	0.00
3	INDUSTRIAL	0	0.00
4	AGRICULTURAL	0	0.00
5	RECREATION	0	0.00
6	OTHER	0	0.00
TOTAL		100	1.00

URBEX
ENGINEERING
LTD.

DRAFT PLAN FOR
WISEMOUNT FOREST
SURVEY (REVISED)

HAMILTON, ONTARIO

OWNER'S CERTIFICATE
DATE: 1964
BY: [Signature]

SURVEYOR'S CERTIFICATE
DATE: 1964
BY: [Signature]

SCALE: 1"=200'
DRAWN BY: [Signature]
DATE: JULY 1964
CHECKED BY: [Signature]

3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 November 18
CI-94-C

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director, Local Planning Branch

SUBJECT: Monster Homes

RECOMMENDATION:

1. That approval be given to City Initiative 94-C for a modification to Zoning By-law No. 6593 for the Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood, as shown on the attached map included as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, on the following basis:
 - a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height;
 - (ii) That no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45;

- (iii) Notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
- a) an attached garage;
 - b) a detached garage; and,
 - c) the floor area occupied by heating, air conditioning and laundry equipment.

For any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9;

- b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive be notated S - ;
- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive for presentation to City Council; and,
- d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification in zoning to the "C" (Urban Protected Residential, etc.) District for the Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood, and Ainslie Wood West Neighbourhood, as shown on the attached map included as APPENDIX "A".

The effect of the By-law is to regulate the height, bulk and size of single detached dwellings to ensure compatibility with the existing housing stock. As such, the By-law will:

- restrict building height to a maximum of 2 storeys or 9.0 metres, whichever is the lesser of the two, whereas the zoning by-law currently permits a maximum height of 2½ storeys for buildings and 11.0 metres for structures;
- establish a maximum building size based on gross floor area equal to 45% of the area of the lot whereas there is no maximum floor area regulation in the "C" District; and,

J. Thomas

v. J. Abraham

N/A

Planning and Development Committee, at its meeting of September 21, 1994, authorized Planning staff to hold a Public Meeting regarding "monster homes" and that appropriate public notice be given. This was in response to the staff report prepared "on monster houses, being 2½ to 3 storey buildings and their incompatibility to the surrounding neighbourhood (Ward and Holmes Avenue, in the Ainslie Wood East Neighbourhood were cited as examples)" as directed by the Committee at its meeting of June 22, 1994.

In those incidents where new residential construction is not compatible with the size, height and scale of the surrounding residential dwellings, the new dwellings are labelled as being "monster homes". Construction activity in the Ainslie Wood Neighbourhoods has raised neighbourhood concerns regarding the demolition, replacement and renovation activity. Existing dwellings are being replaced with large single detached dwellings or additions are being built onto existing dwellings that have the effect of doubling or tripling the size of the original dwelling (see APPENDIX "B").

Within the Ainslie Wood Neighbourhoods single detached dwellings are being built in excess of 320 metres² (3,500 feet²). In two incidents, a building permit was denied by the Building Department because due to the number of rooms proposed, the proposed dwellings were considered to be lodging houses (ie 22 rooms in one dwelling and an undeterminable number of rooms in the second dwelling). Lodging houses are not a permitted use within the "C" (Urban Protected Residential, etc.) District. The proponent revised the building permit applications and based on the plans submitted, the dwellings contain a variety of rooms including an office, a workshop, a den, a recreation room, a dark room and a studio and/or gallery in addition to multiple bedrooms and bathrooms. As the revised building permit applications complied with the regulations of the zoning by-law, building permits were issued.

It is noted that the new dwellings are being constructed in accordance with the regulations of the Zoning By-law. However, there is a concern with the compatibility of the "monster homes" with the surrounding neighbourhood. In many areas, the existing housing stock generally exceeds the

minimum setback requirements of the zoning by-law. The size and mass of the "monster homes" can have an adverse effect on the streetscape and adjacent properties. Compatibility relates not only to the use, but also the built form in terms of such factors as size, scale and massing. In accordance with Subsection C.7.3 of the Official Plan, as revised by Official Plan Amendment Nos. 109 and 128, the height and bulk of dwellings will be regulated in relation to the general character of the neighbourhood. Within the Ainslie Wood Neighbourhoods, the majority of the housing stock was constructed in the 1946-1960 time period and are generally smaller than the maximum building size permitted under the provisions of the "C" District.

In addition, there was a concern regarding the number of applications filed with the Committee of Adjustment requesting modifications to the "C" (Urban Protected Residential, etc.) District to permit the required parking in the front yard and not having to provide the required on-site manoeuvring area for a new dwelling unit. A variation on this request was to enclose the existing garage and provide the required parking in the front yard with no on-site manoeuvring area. There have been 28 such applications since 1990 and in some cases numerous applications were received for the same property.

Site visits to the Ainslie Wood Neighbourhoods revealed that there are dwellings for rent or rooms for rent within existing dwellings. Concern has been expressed by neighbourhood residents that the dwellings will be rented by students and the dwellings will not be properly maintained. Under the provisions of the Planning Act, a zoning by-law can only regulate the land use, not the user. In addition, the Province amended the Planning Act to state that zoning by-laws cannot distinguish between persons who are related and persons who are unrelated in respect to the occupancy of a building or structure (Section 35). As such, the focus of this report is on ensuring that new development is compatible with existing development, regardless of tenure or occupancy.

CURRENT ZONING REGULATIONS:

The area where the "monster homes" are being built are zoned "C" (Urban Protected Residential, etc.) District. The "C" District establishes the following regulations:

Maximum height:	2½ storeys for buildings and 11.0 metres for structures
Minimum lot frontage:	12.0 metres (39.37 feet)
Minimum lot area:	360.0 metres ² (3,875 feet ²)
Minimum front yard:	6.0 metres (19.69 feet)
Minimum side yard:	1.2 metres (3.94 feet)
Minimum rear yard:	7.5 metres (24.61 feet).

Based on the minimum lot size requirements and minimum yard requirements, the maximum building footprint is 44% of total lot area. Therefore, on a 360.0 metre² lot, each "storey" can have a maximum floor area of approximately 158 metres² (1,700 feet²).

By-law No. 6593 defines "storey" as:

"that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey".

This definition allows for the construction of "raised dwellings" in that the cellar is excluded from the overall height of the building, even when a significant portion of the cellar is above grade. A cellar can add as much as half a storey to the overall height of the building.

Notwithstanding the provisions of the "C" District, By-law No. 6593 provides for special exemptions for lots of record which do not meet the minimum lot width, depth or area requirements of the Zoning By-law. The special exemptions are:

Side Yard: Subsection 18(3)(v) allows for reduced side yards for existing lots of record that do not comply with the requirements of the By-law (10% of the width of the lot to a minimum 0.9 metres) (eg for a 10 metre wide lot, the required side yard would be 1.0 metre).

Rear Yard: Subsection 18(3)(v) allows for reduced rear yards for existing lots of record that do not comply with the requirements of the By-law (25% of the depth of the lot to a minimum of 3.0 metres) (eg for a 20 metre lot, the required rear yard would be 4.0 metres).

In order to maintain the streetscape, the Zoning By-law permits a reduction to the required front yard. Subsection 18(3)(iii) allows for a reduction to the required front yard by a maximum of 30% based on the average of the adjacent dwellings where said dwellings are less than 30 metres apart (ie from required 6.0 metres to 4.2 metres).

The Zoning by-law also permits an increase in height provided that the side yard and rear yard are increased beyond the normal requirements for the district. Specifically, Subsection 18(2)(i) allows for an increase in height to a maximum of three storeys by increasing side and rear yard setbacks by 1.5 metres and 3.0 metres respectively beyond the ordinary requirements of the Zoning By-law.

SYNOPSIS OF SURVEY FINDINGS

A total of 14 municipalities were contacted regarding maximum building size regulations (see APPENDIX "C"). Several municipalities advised that the "monster home" issue is often concentrated to certain geographic areas of the municipality. Typically, the areas are characterized by small, wood frame, single detached dwellings which are smaller than the maximum size permitted under the regulations of the Zoning By-law. In response to neighbourhood concerns regarding the introduction of large single detached dwellings that are out of character with the neighbourhood, five municipalities have enacted special zoning provisions in specific geographic areas to control overall built size.

The majority of the municipalities contacted have established a maximum linear height for single detached dwellings (eg 10.5 metres) as opposed to regulating the maximum number of storeys. As such, that portion of the basement or cellar which is above grade is included in determining if the proposed dwelling complies with the maximum height restriction in the zoning by-law. This would regulate 2½ storey "raised dwellings" where the floor of the first storey is significantly higher than the finished grade. As such, the dwellings have the appearance of being 3 storeys high.

In conjunction with a maximum linear building height, municipalities utilize a maximum lot coverage ratio. Lot coverage refers to the size of building footprint divided by total lot area. The maximum lot coverage cannot be exceeded even if the proposed dwelling complies with all of the minimum yard regulations of the applicable zoning by-law. Alternatively, building size can be regulated through the use of a maximum gross floor area (GFA) ratio or floor space index (FSI). Whereas a lot coverage ratio regulates the external size of the building footprint, a GFA ratio regulates the amount of internal space permitted. The GFA ratio relates the internal floor area of a building to the total area of the lot. For example, a GFA ratio of 0.5 would permit a maximum dwelling size of 180 metres² (1,938 feet²) on a 360 metre² (3,875 feet²) lot.

The City of Etobicoke Planning Department advised that dwellings have been constructed with large "great rooms" in an effort to circumvent the maximum GFA restrictions. In these "great rooms", the ceilings are two stories high and electrical outlets are located 3-5 metres above the floor (at approximately the location where an outlet should be if there were a second floor). After the house is built, an application is made for relief from the maximum GFA requirements to permit a reduction in the size of the "great room" by putting in a second floor. The applicants contend that the proposed change will not have any adverse affect on the neighbourhood given that there will be no changes to the external dimensions of the house.

To resolve the problem of "great rooms", the City of Etobicoke Zoning By-law has been amended to include the "void area" in calculating GFA. The void area is factored into the calculation of GFA by doubling the floor area for any portion of a dwelling above the basement or cellar where the floor to ceiling height exceeds 4.6 metres. As such, the area where a second floor would normally be is factored into the calculations of the overall building size.

Below grade parking has been prohibited in some municipalities in response to people converting their garages into additional living area or into an accessory apartment. However, a general prohibition on below grade parking has implications on the design and layout for new residential construction. The requirement that the prerequisite parking be provided at grade can result in the construction of small lot singles dominated by a garage. This can have important implications for the built-form characteristics of a neighbourhood.

SYNOPSIS OF OPTIONS:

After reviewing the existing zoning regulations and undertaking a survey of how other municipalities have addressed the "monster home" issue, a series of options were generated. These options were outlined in detail at the September 21, 1994 meeting of the Planning and Development Committee.

As previously noted, it is not the use that is creating problems but rather it is the size and mass of the "monster homes" that can have an adverse effect on the streetscape and adjacent properties. In order to regulate the size and mass, changes to the zoning by-law are required with respect to building height and building mass. The various options to regulate building height and building mass are outlined below. Given that the problem is twofold (building height and building mass) the preferred option will use one mechanism to control building height and a second mechanism to control building mass.

A. Building Height

Within the Ainslie Wood Neighbourhoods, dwellings are being built in compliance with the maximum height regulations established in the Zoning By-law. However, these buildings have the appearance of being greater than the maximum 2½ storeys permitted in the Zoning By-law. The new dwellings are 2½ storey "raised dwellings" in that the floor of the first storey is significantly higher than the finished grade. As such, the dwellings have the appearance of being 3 storeys high.

There are four options to address the issue of overall building height. The options are:

- reduce the maximum permitted building height from 2½ storeys to 2.0 storeys;
- use metres, not storeys to regulate maximum dwelling height;
- alter the definition of basement/cellar/storey to reduce overall height of building;
or,
- do nothing - leave as is.

Revising the definition of basement/cellar/storey to reduce overall height would address the issue of "raised dwellings". However, a maximum linear height or a reduction in the maximum permitted number of storeys would achieve the same effect and would be easier to implement.

The "do-nothing" option would maintain the status quo and as such it is not considered to be a practical option.

Accordingly, the preferred option is to establish a maximum linear height of 9.5 metres or 2 storeys, whichever is the lesser of the two. This would restrict the overall height of the dwellings, including the construction of "raised dwellings" where the first storey is constructed at the equivalent of one-half storey above grade. The Building Department has advised that the majority of the new single detached residential construction is being built at 2 storeys or less. The reduction from 2½ to 2 storeys would allow for the construction of dwellings with ceilings in excess of the typical 2.5 metres or alternatively dwellings with high rooflines.

B. Building Mass

It is necessary to address the issue of overall building mass or building size because the new dwellings are significantly larger than the existing housing stock in the Ainslie Wood Neighbourhoods. The minimum yard regulations of the "C" District in Zoning By-law No. 6593 result in a building envelope that is equal to approximately 44% of the total lot area. As such, on a 360 metre² lot, each storey can have a floor area of approximately 158 metres² (1,700 feet²). Within the Ainslie Wood Neighbourhoods, single detached dwellings in excess of 320 metres² (3,500 feet²) have been built in accordance with the existing regulations of the Zoning By-law.

There are five options to address building mass:

- delete special exemptions section of Zoning By-law as it applies to certain neighbourhoods;
- establish a maximum lot coverage ratio;
- establish a maximum Gross Floor Area (GFA) or Floor Space Index (FSI);
- increase side, front and/or rear yard requirements; or,
- do nothing - leave as is.

The deletion of the special exemptions option and increasing minimum yard requirements would have significant implications for the streetscape and as such are not supported.

A maximum lot coverage ratio would discourage the construction of single storey dwellings in that a restriction is placed on the external size of the first storey of the dwelling. In addition, accessory buildings would be subject to the maximum lot coverage ratio. As such, this option is not supported.

Whereas lot coverage ratios regulate the external size of the building footprint, a gross floor area ratio regulates the amount of floor space permitted. How the floor space is allocated between the basement/cellar, first and second floors is not regulated provided that the aggregate of the floor areas does not exceed the maximum permitted floor area. For example, on a 360 metre²

lot, a maximum GFA ratio of 0.5 would permit the construction of a 180 metre² dwelling.

The "do-nothing" option would maintain the status quo and as such it is not considered to be a practical option.

Accordingly, the preferred option is to implement a maximum gross floor area (GFA) ratio. A GFA requirement is used in regulating apartment building size in Zoning By-law 6593 in the multiple dwelling districts (eg "DE" and "E" Districts). The Building Department has advised that the majority of the new single detached dwellings are being constructed in the 111.5 - 176.5 metre² (1,200 - 1,900 feet²) range. Based on a minimum lot size requirement of 360 metre², a maximum FSI of 0.5 would permit the construction of a 180 metre² (1,937 feet²) dwelling. In those situations where a proposed dwelling exceeds the maximum permitted FSI, the proponent could apply for a rezoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

A maximum GFA or FSI requirement would regulate the usage of attic areas as habitable space. The zoning by-law does not regulate the use of the attic. The attic can provide a significant increase in the total occupied floor area. As such, it is appropriate to include the attic area in the GFA or FSI calculation where the roof support structure allows for the utilization of the attic as habitable space.

C. Neighbourhood or General Zoning By-law Amendment

It is the general intent of the Official Plan to support development within residential areas through infilling or redevelopment where said development recognizes and enhances the scale and character of the existing residential area. To date, the construction of "monster homes" has occurred primarily in the Ainslie Wood Neighbourhoods.

Within the newer residential areas, development occurs on a comprehensive basis and as such the new houses are compatible with each other in that they are of similar size, height and building mass. As such, the issue of compatibility between residential dwellings has not proven to be problematic.

The City has been encouraging appropriate redevelopment of existing residential areas. In these areas, the size and scale of new construction has been compatible with the surrounding residential dwellings. The construction of "monster homes" has generally not occurred in these areas, including around Mohawk College. This is due to a combination of factors such as geographic location and the age, quality and value of the existing housing stock that affects the practicality of building a "monster home".

Within the Ainslie Wood Neighbourhoods, the majority of the housing stock was constructed in the 1946-1960 time period. The dwellings are generally smaller than the maximum building size permitted under the provisions of the "C" District. Based on the 1991 Census, the average dwelling value was \$157,168 and there were on average 6.6 rooms per dwelling or less (the

average is 4.8 in the Ainslie Wood West Neighbourhood). New dwellings have been constructed with two to five times the average number of rooms (between 12 and 18 rooms). In contrast, 69.6% of the housing stock in the Mohawk Neighbourhood was built in the post-1961 time period and the average dwelling value was \$319,713 (based on the 1991 Census). In order to ensure that new residential development is compatible in terms of scale and character of the existing residential areas, the Zoning By-law should be amended for Ainslie Wood Neighbourhoods regarding building height and GFA, as per the preferred options, as opposed to a general City wide zoning by-law amendment.

PREFERRED OPTION:

After reviewing possible options for regulating monster homes and based on the experiences in other municipalities, a preferred option was developed and presented to the Planning and Development Committee at its meeting of September 21, 1994. The preferred option is to reduce the maximum permitted building height in conjunction with establishing a maximum permitted Floor Space Index ratio specific to the Ainslie Wood Neighbourhoods.

In order to regulate building height, the maximum permitted height should be reduced from 2½ storeys to 2 storeys or 9.0 metres, whichever is the lesser of the two. The Building Department has advised that the majority of the new single detached residential construction is being built at 2 storeys or less. The reduction from 2½ to 2 storeys combined with a maximum building height of 9.0 metres would allow for the construction of dwellings with ceilings in excess of the typical 2.5 metres, or alternatively, dwellings with high rooflines, but would regulate the creation of "raised dwellings" where the basement is constructed at the equivalent of one-half storey above grade.

Planning staff initially recommended that a maximum GFA ratio of 0.5 be established. The Zoning By-law defines GFA as the sum of the total floor area within the exterior walls but excludes that portion of the structure used for mechanical equipment (eg furnace, boiler room) and parking areas. This definition was developed to regulate the overall size of multi-storey residential buildings. The existing definition is not appropriate for the Ainslie Wood Neighbourhoods given that the garage is part of the overall mass of the building and that garages are being converted to living space. An attached garage is typically equal to approximately 10% of the total building mass. Therefore, it is appropriate that the maximum GFA ratio be 0.45.

The reason for the reduction in the GFA ratio is to ensure that the total built mass of dwellings with and without attached garages are equal. If the garage is included in the calculation of GFA, then the amount of habitable space would be less in a dwelling with an attached garage compared to a dwelling built without a garage. If a detached garage is subsequently built, then the combined built mass would be greater than that of a dwelling with an attached garage. In order to minimize over-building on a lot which could have a negative effect on adjacent properties, then the maximum GFA should be reduced by an amount equal to the average floor area of a single car garage and that the garage be excluded from the definition of GFA. This would

eliminate any "loophole" whereby persons seeking to maximize living space and/or the number of rooms in a dwelling would build without a garage or alternatively convert the garage to habitable space. As such, the Zoning By-law should be amended to permit a maximum GFA equal to .45 of the lot area (ie on a 360 metres² lot, the maximum dwelling size, excluding the garage, would be 162 metres²).

Based on the experiences in other municipalities, the calculation of the GFA should include any "void area" by doubling the floor area for any portion of a dwelling above the basement or cellar where the floor to ceiling height exceeds 4.6 metres (4.6 metres is the minimum height needed to physically accommodate two floors). The doubling of the floor area in a "great room" would equate to the area where a second floor would normally be. Therefore, in that portion of a dwelling where the floor to ceiling height exceeds 4.6 metres, the floor area would be multiplied by a factor of 2.0 for the purposes of determining floor area.

Within a dwelling, there are instances where it is necessary to have a floor to ceiling height in excess of 4.6 metres. For example, the floor to ceiling height may exceed 4.6 metres where there is a circular staircase leading from the first to second storey. Given that stairways account for a small portion of the overall size of a dwelling, then it is appropriate that the factor for calculating void areas be reduced from 2.0 to 1.9.

Under the provisions of Ontario Regulation 384/94 (apartments in houses), a maximum GFA regulation cannot be used to prevent the installation of a second unit where there is no exterior change to the building envelope of the single, semi-detached or rowhouse dwelling. However, given that the basement area will be factored into determining the GFA of any proposed dwelling, then the proposed changes will comply with the provisions of Ontario Regulation 384/94.

To date, the construction of "monster homes" has occurred primarily in the Ainslie Wood Neighbourhoods. Therefore, the amendments to the Zoning By-law should be restricted to the Ainslie Wood Neighbourhoods. Planning staff in conjunction with the Building Department will monitor the situation to determine the effectiveness of the proposed zoning by-law changes and to determine if the "monster home" problem has shifted to other neighbourhoods.

The introduction of a maximum FSI does have implications for the Building Department. At the present time, zoning conformity relates to new construction only. The introduction of a FSI will require that the proponent submit detailed plans of the existing building showing total floor area. The cost of preparing these drawings will be borne by the applicant and will require additional staff time in reviewing building permit applications for additions to existing dwellings.

The proposed changes to the zoning by-law will have implications for existing homeowners. In those situations where a proposed dwelling exceeds the maximum permitted GFA, or alternatively where an addition is proposed onto an existing 2½ storey dwelling, then the proponent could apply for a rezoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

COMMENTS:

1. The preferred option can be supported on the following basis:
 - it would not conflict with the intent of the Official Plan;
 - it would ensure compatibility between existing dwellings and new dwellings; and,
 - it would allow for the renovation and restoration of existing dwellings.
2. As the "monster home" issue has been restricted to the Ainslie Woods Neighbourhoods, the amendments to the Zoning By-law should be limited to these neighbourhoods. The Planning Department in conjunction with the Building Department will monitor the situation to determine the effectiveness of the proposed zoning by-law changes and to determine if the "monster home" problem has shifted to other neighbourhoods.
3. It is appropriate that the following modifications be made to the "C" (Urban Protected Residential, etc.) District for the Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood:
 - i) Notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed two storeys or 9.0 metres in height, whichever is the lesser of the two;
 - ii) No building or structure shall have a gross floor area greater than the area within the district in which it is situate, multiplied by the floor area ratio factor of 0.45; and,
 - iii) Notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
 - a) an attached garage or carport;
 - b) a detached garage; and,
 - b) the floor area occupied by heating and air conditioning equipment.

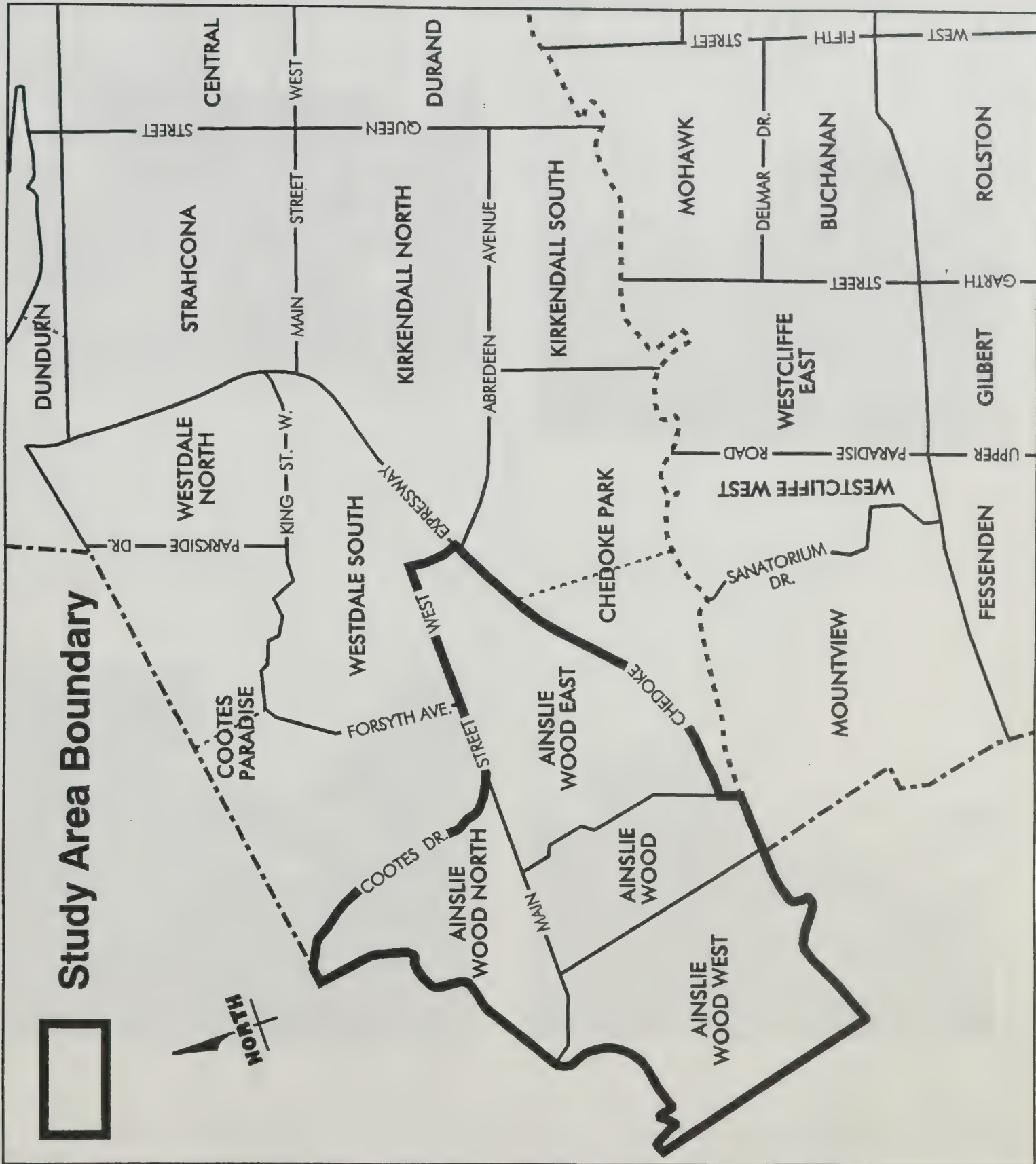
For any portion of the dwelling where the floor to ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9.

CONCLUSION:

On the basis of the foregoing, City Initiative 94-C can be supported.

SR/sr

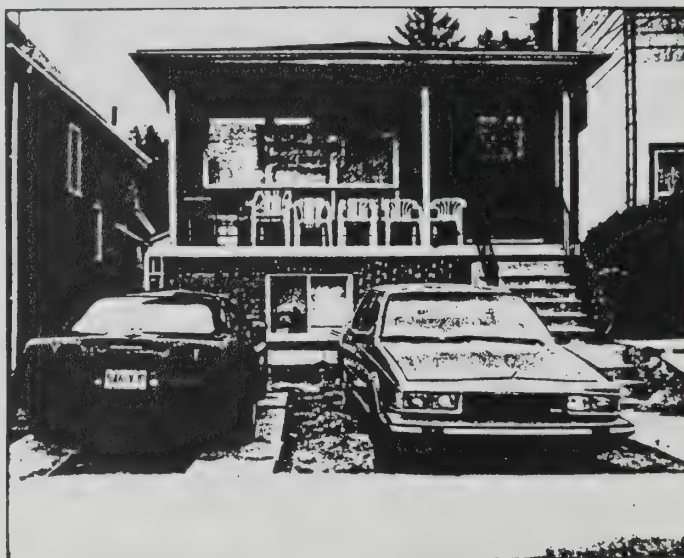
CI94-C.2ND



APPENDIX "B"



155 & 157 Ward Avenue



121 Ward Avenue



86 Ward Avenue
(Rear View)



28 Norfolk Street
(Rear View)

APPENDIX "C" - SYNOPSIS OF ZONING REGULATIONS, "MONSTER HOMES"

Municipality	Lot Coverage (Max.)	GFA	Height	Comments
Ancaster	35% - 40%		10.5 m.	
Burlington	25% - 33%		8.5 m.	Introduced a Monster Home By-law for certain areas Max of 50% non-grassed area in required front yard. Monster Home by-law for "War-Time" Housing Areas.
Cambridge	40%		No Restrictions	
Etobicoke	<i>See Comments</i>			"OVERBUILD" Study completed and implemented in Zoning By-law. Uses a variety of measures to control building size/mass/bulk. Have had problems with max. GFA.
Kitchener		0.6 FSI	3 Stories	Maximum Height established in the OP
London	30% - 40%	Min GFA: 753 sq.m.	9 m. - 12 m.	Proactive by-law enforcement to regulate lodging houses
Mississauga	Existing Areas: 25% - 40% New Areas: 40%	Special Regulations for "Monster Home" Neighbourhoods established. 20% of lot area + 190 sq.m (including garage)	10.7 m. Height: Lot Width Ratio for "Monster Homes"	Have a "Monster Home" By-law in place. (By-law No. 610-90)
Oakville	30% - 35%	MAX: 140 sq.m - 180 sq.m. MIN: 84 sq.m.	7.5 m	Have a "Monster Home" By-law in place. Special zoning regulations for specific areas of the Town
Oshawa	35% - 45%			Lot Coverage also regulated by minimum landscapping (35% - 45% of lot area)
Ottawa			10.68 m (35 ft.)	Regulated through minimum setbacks
Scarborough		Depends on lot size 0-408 sq.m.: .6*lot area to max. 204 sq.m. 408-697 sq.m.: 5*lot area to max. 279 sq.m. 697+ sq.m.: .4* lot area. No max.		Equates to maximum of 50% lot coverage for bungalows Equates to maximum of 40% lot coverage for bungalows Equates to maximum of 40% lot coverage for bungalows
Stoney Creek	40%		9.5 m.	Prohibition on below grade parking
St. Catharines	35% - 40%		10.68 m (35 ft.)	
Waterloo	30%, 33% & 40%		10.5 m.	
HAMILTON	44%		2.5 stories	44% Lot Coverage based on max. building envelope as established in the "C" District.

Nov 30, 1994

Planning and Development Commi
Hamilton City Hall

3a

NOV 29 1994

Dear Chairperson,

I write to you as
Chair of the Planning and Development
Committee and to all members of your
Committee in order to outline my views
and concerns regarding land use trends
in Ward I of Hamilton.

My name is Robert
Savelli, I live at 7 Karwyn Cres. in
Ward I of Hamilton in the Ainslie
Wood neighbourhood. I have lived
at the above address for thirty five years.
I am a retired secondary school teacher
from the Hamilton Board of Education,

2.

a founding member of the West Hamilton Neighbourhood Association and a ^{former} school trustee (68-70) for the Separate School Board. I have been actively involved in community affairs both of a social and political nature for many years.

I place before your committee my concerns about the proliferation of multiple-resident dwellings, generally in Ward I in the areas adjacent to McMaster and in particular in the Henslie Wood Neighbourhood. My concerns are based on two major factors - one a general reason about how we live and are to live in a city and the other more specific.

General reasons for my concern:
our neighbourhood was built and zoned for residents. The very reason for developing and adhering to zoning by-laws is to

3.

protect the integrity of a neighbourhood for residents. A neighbourhood is made up of people who care about the circumstances of their daily lives for themselves and their families. Zoning by-laws are the protectors of a neighbourhood which requires a peaceful, orderly set of rules and expectations. Neighbourhoods zoned residential are for living not for making money. In the past few years the Hinslie Wood Neighbourhood has seen more and more streets with multiple-resident dwellings on "minimum size" lots. The by-laws or exceptions to the by-laws which allow large houses on "small" lots place a strain on facilities and cause difficulties with garbage, parking, snow removal and property maintenance.

4.

Above all, the whole nature of the neighbourhood changes under such constant pressure. The neighbourhood is adversely affected.

The second more specific ground upon which I base my concern relates to the the Committee which allows exceptions. Guidelines by which the Committee of Adjustment operates must be made more stringent. The relationship between square feet of living space and the square feet of land upon which it may be built must be re-examined. It must be made imperative that more land be required for proposed new residences or additions to existing dwellings.

I believe my neighbourhood is deteriorating - more streets have more multiple-resident dwellings - large houses or additions are being built on ^{small} lots - some twice

5.

the size of adjacent houses - there are more absentee landlords - more residents who care very little about the neighbourhood and sections of the neighbourhood or district and certainly noisier.

I must rely on my elected representatives to address and improve this problem - I live with this growing problem and concern on a daily basis. I ask you as chairperson and all members of your committee to give my views serious consideration:- restrict the proliferation of these multiple-resident dwellings! I respectfully submit this proposal and I'm prepared to support my views further if required.

Sincerely,
Robert Savelli

Copy sent to Victor Abraham, Director of Local Planning and
Patrice Noé Johnson, City Solicitor - 1994 Decembre 1

November 24, 1994.

To: Stephen Robichard,
Planning Department,
City Hall, City of Hamilton, Ontario.

Subject: "Monster Homes"

From: Eva Crevier,
10 Norfolk St. N.
Hamilton, Ontario.

PLANNING & DEVELOPMENT LOCAL PLANNING	
File No.	NOV 28 1994
TO	
D.R.	
REG.	
PLANN.	
PM	
SR	
ADMIN.	
CITY	
ADMIN.	

3b

It is a crime that the City of Hamilton has ignored the
pleas of law abiding, TAX PAYING CITIZENS, whose only desire
is to live in a crime free and environmentally sound neighbour-
hood.

The decline of the Ainsle Wood North area is due to the
city's inability to govern single family dwellings.

I have ten students living on the south side of my residence
(#8 Norfolk St. N.) and twelve on the north side (#14 Norfolk
St. N.). These RENTERS have a wreckless disregard for any and
all laws or by-laws. The absentee owners are oblivious to
all building, fire and safety regulations.

These renters have been observed pouring cooking oil,
motor oil and gasoline down the sewers. They have stolen street
signs, personal property, and defecated and urinated on private
property. These students insist on playing roller blade hockey
at 1 a.m., screaming and breaking windows anytime after midnight.
Two years ago, while sitting in my living room sewing at 10 p.m.
a student shot at my head with a gun. The police officer did NOT
lay charges because the student was already on probation for
breaking and entering in King City. The officer chose to compro-
mise the safety of my family by bringing the offender into my
home, even though I protested.

The students block driveways and sidewalks with their cars. They park on front lawns, take full liberty to accessing the park area behind the Ainsle Wood North area by driving off Cootes Dr., mounting the curb, driving over the grass, damaging the grounds to park behind the houses.

They have parties in excess of 100 people, which last well after 3 a.m. The by-law enforcer for noise works 9a.m. to 4:30 p.m. The police force do not consider any of these incidences life threatening and do not respond. The Ministry of the Environment are not concerned.

The city has chosen to overlook all environmental consequences being created by the commercial, improper use of the sewers, pollution from the cars and vast amounts of garbage, the drain of our resources through highly concentrated uses of water, hydro and telecommunications. The destruction of green areas, removal of trees for building are also contributing factors to the demise of the environment.

These student rentals and monster homes are a continuous source of danger. Snow removal is non-existent, property management is negligent and countless phone calls to city hall to rectify these gross injustices are fruitless.

The city appears to be intent upon ignoring the warning signals. Fire and health safety of not only the renting students, but, especially the owner-occupied homes are none existent.

It is inevitable that someone is going to die in a fire or be mortally wounded because of these monster homes and overcrowded single family dwellings.

These rentals and monster homes are businesses.

When was the Ainsle Wood North neighbourhood designated commercial? If ten students are jammed into a storey and half four bedroom house, how many are going to be shovelled into a 24 bedroom house?

We share this community with a facility designed to help parents and families with dying and critical care children. We also share with aging and disabled people who need to access clear, clean, and hazardless sidewalks and roadways. These homes should remain single family dwellings.

I fully support any Zoning By-law amendments that would regulate "Monster Homes" and the return to single family dwellings.

I have enclosed photos of #14 Norfolk St. N., which continuously looks like this. We have had to put bait out for rats because they have been attracted to this garbage.

Eva Crevier.

Eva Crevier

C.C. Mary Kiss

Marvin Caplan

Ainsle Wood Committee



4

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 25
(Regional File 25T-88021)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

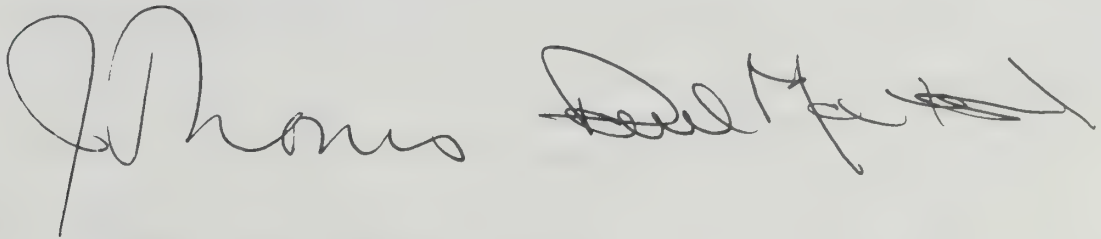
SUBJECT: Revised Plan of Subdivision
"Redhill Vista" (Luval)

RECOMMENDATION:

- a) That approval be given to the request by Mr. Terry Stortz, of May, Pirie, Dakin Associates Limited on behalf of Valery Construction Ltd., owner, to give draft plan approval for the revised "Redhill Vista" subdivision to create within the City of Hamilton 21 lots for single family homes fronting on Mud Street and Upper Mount Albion Road, and a Block for approximately 36 townhouse units, subject to the following conditions:
- 1) That this approval apply to that portion located in the City of Hamilton of the draft plan signed by John P. Nouwens, O.L.S., dated December 14, 1993, showing 23 lots for single detached residential purposes, and one block for townhouse development, and further red-line revised to include an additional parcel of land in the south-east.
 - 2) That the final plan conform with the zoning by-law approved under The Planning Act.
 - 3) That the surveyor provide the City of Hamilton and Region with a certified list showing the lot frontage, lot areas and total area in both metric and imperial measure.
 - 4) That the owner dedicate to the Region a 15 metre wide Berm and Noise Barrier Easement along the entire portion that abuts the Expressway.

- 5) That the owner must provide noise mitigating measures within the proposed development at their own expense and must bring the freeway noise levels to an acceptable standard as set out by the Ministry of Environment and Energy.
- 6) That the owner dedicate to the Region/City of Hamilton sufficient lands for road widening purposes in order to establish a cul-de-sac at the westerly limit of the subdivision with a 15 metre radius. The cul-de-sac is required to be offset to the south side of Mud Street.
- 7) That the owner submit a site grading plan to the Region for the complete subdivision for review and approval.
- 8) That Lots 1 to 19 (inclusive) not be registered until the watermain has been approved by the Region from Upper Mount Albion Road to Paramount Drive.
- 9) That Lots 1 to 20 (inclusive) not be issued access permits, building permits and sewer or water permits until such time as Mud Street is realigned to the south and this section of Mud Street reverts to a local cul-de-sac under jurisdiction of the area municipality.
- 10) That the owner enter into an access agreement with the Regional Municipality of Hamilton-Wentworth for any roadway improvements required on Mud Street as a result of this development.
- 11) That the owner grant easements to the Regional Municipality of Hamilton-Wentworth in order to provide outlets for storm and sanitary drainage purposes as required.
- 12) That the owner provide to the Region a detailed comprehensive storm water management report which will address the impacts of development of the subject lands on adjacent lands and the downstream watercourse. This report must be prepared by a Professional Engineer and other specialized experts as required, and will determine storm water management measures that are to be utilized in order to mitigate any negative impacts such as erosion, sedimentation, changes in run-off regime etc. required as a result of this subdivision development.
- 13) That the owner make a cash-in-lieu of parkland dedication payment to the City of Hamilton as provided for under Section 51 of the Planning Act.
- 14) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

- 15) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That the Regional Commissioner of Planning and Development be advised of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Valery Construction Limited.

Agent:

Terry Stortz; May, Pirie, Dakin Associates.

Location:

The lands are located in the southwest quadrant of Mud Street and Upper Mount Albion Road, in the Albion Falls Neighbourhood, City of Hamilton (location plan attached as Attachment "A"). Approximately 75% of the development is within the City of Stoney Creek.

Proposal:

The owner is proposing to totally revise the plan by eliminating the internal streets and single family lots, and developing a block of 145 townhouse units (revised concept plan attached as Attachment "C"). The revision will place 21 single family units and approximately 36 townhouse units within the City of Hamilton. The revised draft plan is attached as Attachment "D".

History:

The "Redhill Vista" subdivision was originally draft approved on 1990 April 4, for 74 single family lots, of which 24 were within the City of Hamilton (Attachment "B"). The increase in units in Stoney Creek resulting from this revision is subject to the special conditions of draft approval which Regional Council is imposing on developments in West Mountain (Heritage Green) Planning District. These conditions do not apply to the portion of the subdivision within the City of Hamilton.

On 1994 March 1, the Regional Land Division Committee approved application S-7-94, which added 0.232 hectares to the Stoney Creek part of the subdivision. A condition of the consent was revision of the draft plan. This has been done by red-line revising the 1994 December 14 plan to include this parcel in Block 24.

Existing Development Controls:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan The lands are designated "Residential". The proposal complies.

Neighbourhood Plan The lands are designated "Single and Double Residential" and "Medium Density Residential" conforming to the proposed revisions. The proposal complies.

Zoning The subject lands were rezoned "RT-20"-'H' (Townhouse-Maisonette - Holding), "R-4"-'H' (Small Lot Single Family Detached - Holding) and "C"-'H' (Urban Protected Residential, etc. - Holding), by By-law 94-083. The proposal complies.

Comments from Circulation:

The Hamilton-Wentworth Roads Department submitted the following comments and recommendations:

"FOR INFORMATION:

1. *All Lots and Block 24 can be serviced from the existing sanitary sewers on Upper Mount Albion Road and Mud Street.*
2. *Lots 1 to 20 (inclusive) can be connected to the existing storm sewer on Mud Street. Lot 21 may be serviced by special private drain agreement to the Mud Street storm sewer.*

Storm drainage for Lots 22 and 23 is under the City of Stoney Creek's jurisdiction. Block 24 may be serviced from Mud Street by permit to the limit of the City of Hamilton.

3. *Lots 20, 21, 22, 23 and 24 can be serviced for water from the existing watermain on Mount Albion Road. There is no existing watermain on Mud Street in order to service lots 1 to 19 directly. Lots 1 to 19 (inclusive) should not be registered until the method of financing of the watermain on Mud Street is approved by Regional Council. It must be noted that it is our department's recommendation that the developer be required to extend the watermain easterly along Mud Street to Paramount Drive to connect the watermain on paramount Drive for looping purposes.*

RECOMMENDATIONS:

1. *The owner dedicate to the Region a 15 metre wide Berm and Noise Barrier Easement along the entire portion that abuts the Expressway.*
2. *The owner must provide noise mitigating measures within the proposed development at their own expense and must bring the freeway noise levels to an acceptable standard as set out by the Ministry of Environment and Energy.*
3. *The owner dedicate to the Region/City of Hamilton sufficient lands for road widening purposes in order to establish a cul-de-sac at the westerly limit of the subdivision with a 15 metre radius. The cul-de-sac is required to be offset to the south side of Mud Street.*
4. *The owner submit a site grading plan to the Region for the complete subdivision for review and approval.*
5. *Lots 1 to 20 (inclusive) not be issued access permits, building permits and sewer or water permits until such time as Mud Street is realigned to the south and this section of Mud Street reverts to a local cul-de-sac under jurisdiction of the area municipality.*
6. *The owner enter into an access agreement with the Regional Municipality of Hamilton-Wentworth for any roadway improvements required on Mud Street as a result of this development.*
7. *That the retained portion of land created by severance application S-7-9 be included under the final plan of subdivision for Redhill Vista. [N.B. This severance is in Stoney Creek]*
8. *That the owner grant easements to the Regional Municipality of Hamilton-Wentworth in order to provide outlets for storm and sanitary drainage purposes as required.*
9. *That the owner provide a detailed storm water management report, prepared by a Professional Engineer, to the Region in order to determine what measures are to be*

utilized within the limits of the final plan of subdivision in order to address such items as erosion control, sedimentation, peak runoff and duration of storm runoff.

10. *That Lots 1 to 19 (inclusive) not be registered until the watermain has been approved by the Region from Mount Albion Road to Paramount Drive.*
11. *The owner be advised "That residential plans of subdivision and condominium in the west mountain planning District in the City of Stoney Creek shall be subject to the resolution of recognized north-south transportation deficiencies, by attaching the following conditions of draft approval:*
 - i) *That funding is committed for the North-South portion of the Red Hill Creek Expressway, and tenders for construction of the pavement are awarded.*
 - ii) *That draft approvals shall lapse after three years unless an extension is granted.*

In the interim, the maximum planned population for this area will not exceed 15,800 persons. New development in the West Mountain Planning Area will be monitored, its effects on the transportation network assessed and an annual update report prepared. To ensure that traffic problems in this area are avoided, appropriate traffic studies and subsequent road improvements may be required in conjunction with committed development and/or redevelopment." [N.B. Applicable only to the Stoney Creek portion of the subdivision]

Further to the above, on 1994 November 25, the Roads Department recommended that condition 9) above be revised as follows:

That the owner provide to the Region a detailed comprehensive storm water management report which will address the impacts of development of the subject lands on adjacent lands and the downstream watercourse. This report must be prepared by a Professional Engineer and other specialized experts as required, and will determine storm water management measures that are to be utilized in order to mitigate any negative impacts such as erosion, sedimentation, changes in run-off regime etc. required as a result of this subdivision development.

The City of Stoney Creek advises that they have reviewed the proposed revisions and that the City Council supports the revised plan. The City has also asked for additional conditions which are equivalent to those recommended by the Regional Roads Department for the Hamilton portion.

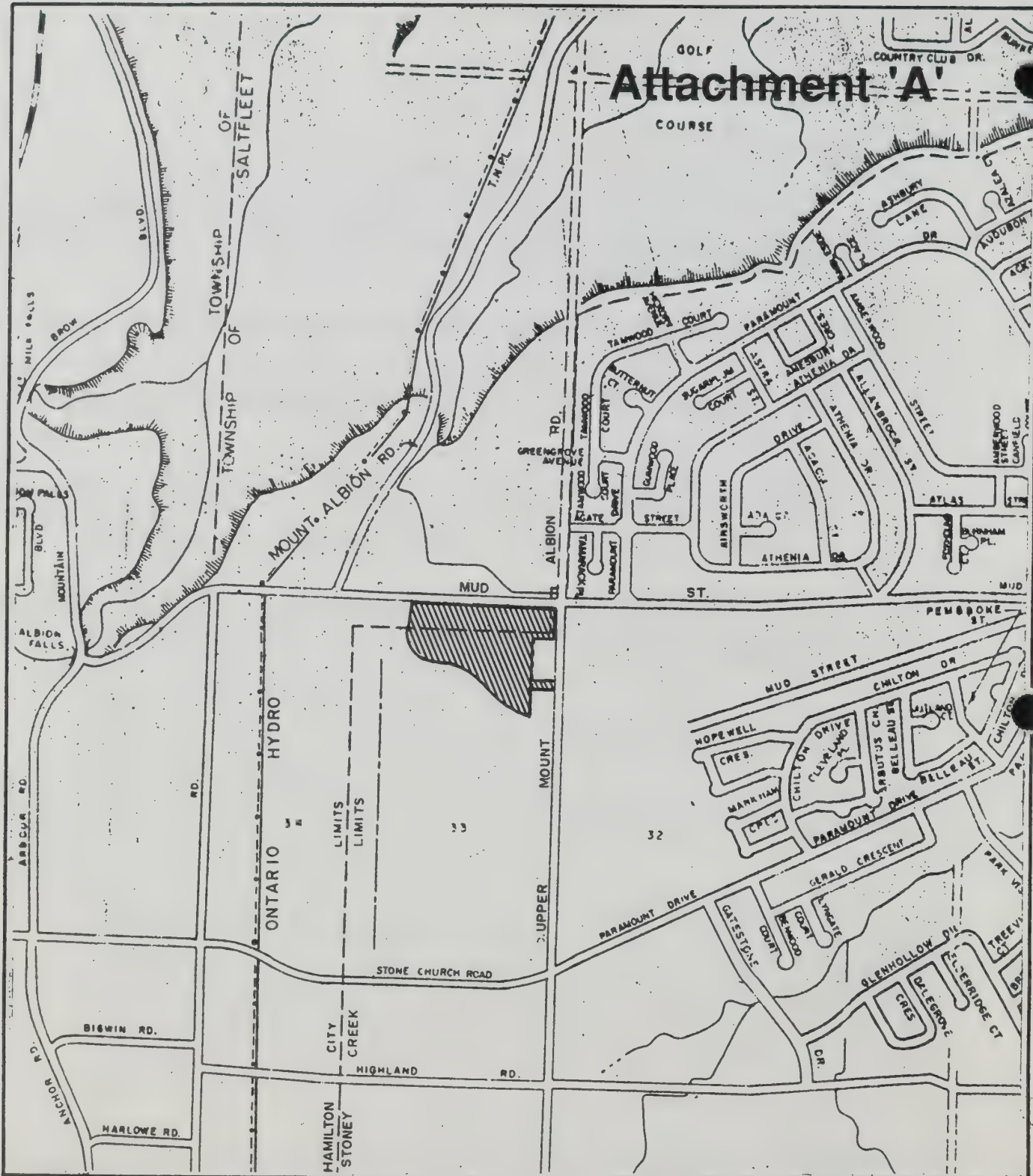
COMMENTS:

1. The proposal is consistent with the land use designations in the Official Plan, and the approved Albion Falls Neighbourhood Plan has been modified to allow the townhouse development.
2. By-law 94-083 rezoned the lands within the City of Hamilton to permit the proposed development.
3. The proposal is consistent with the adjacent land use designations in the City of Stoney Creek.
4. There were no objections received as a result of the circulation of the proposal. The Roads Department and the City of Stoney Creek have requested additional conditions to ensure that the lands are developed in an orderly fashion.
5. The revised plan is a radical change from that draft approved in 1990. The existing conditions are no longer relevant to the proposal. New conditions must be imposed to recognize the revisions to the plan.

CONCLUSION:

Subject to the City of Hamilton conditions being revised, draft approval for the revised plan can be supported.

JA\Attach.
sdout\t-88021.rep



Redhill Vista Draft Plan
of Subdivision (25T-88021)

DRAFT PLAN OF SUBDIVISION

REVISED DECEMBER 1993

BEING PART OF LOT 33, CONCESSION 7
FORMERLY IN THE TOWNSHIP OF SALT FLEET
NOW IN THE CITY OF HAMILTON,
AND IN THE CITY OF STONEY CREEK

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

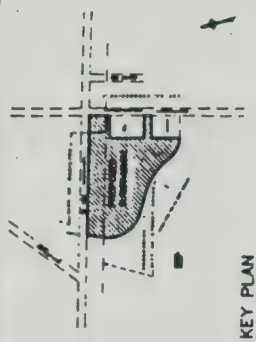
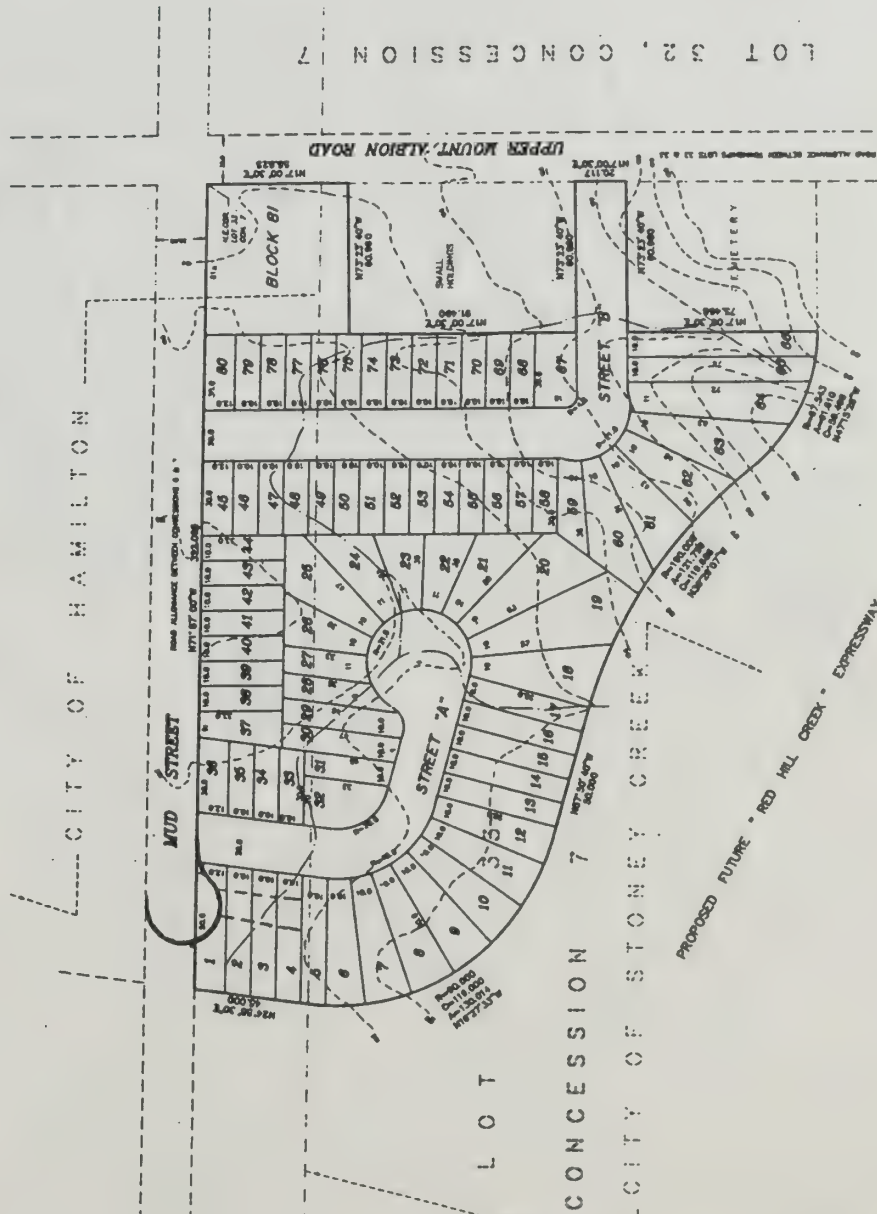


Scale
N. T. S.

Date
JAN. 25, 1994

Reference File No.
25T-88021
(Revised 2nd)

Drawing No.



KEY PLAN
SCALE: 1:10,000

METRIC NOTE

THESE DIMENSIONS ARE IN METERS AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 3.281.

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land hereinafter described, do hereby certify that the plan hereon deposited is a true and correct copy of the plan as shown to me by the Surveyor of the City of Stoney Creek.

DATE: 11/11/00

John P. Mounens
OWNER

SURVEYOR'S CERTIFICATE

I, the undersigned, being the Surveyor of the City of Stoney Creek, do hereby certify that the plan hereon deposited is a true and correct copy of the plan as shown to me by the owner of the land hereinafter described.

DATE: 11/11/00

John P. Mounens
SURVEYOR

SCHEDULE: RE: SECTION 50(2)

- 1. ZONING: R-1
- 2. TAX: 1.00
- 3. EASEMENT: 10.00
- 4. EASEMENT: 10.00
- 5. EASEMENT: 10.00
- 6. EASEMENT: 10.00
- 7. EASEMENT: 10.00

TOTAL AREA: 5023 METRES

DRAFT PLAN OF

REDHILL VISTA

RE: A PROPOSED SUBDIVISION OF LOT 32, CONCESSION 7

FORMED BY THE CITY OF STONEY CREEK

CITY OF STONEY CREEK

AND PARTLY IN THE

CITY OF HAMILTON

RE: SECTION 50(2)

SCALE: 1:1000

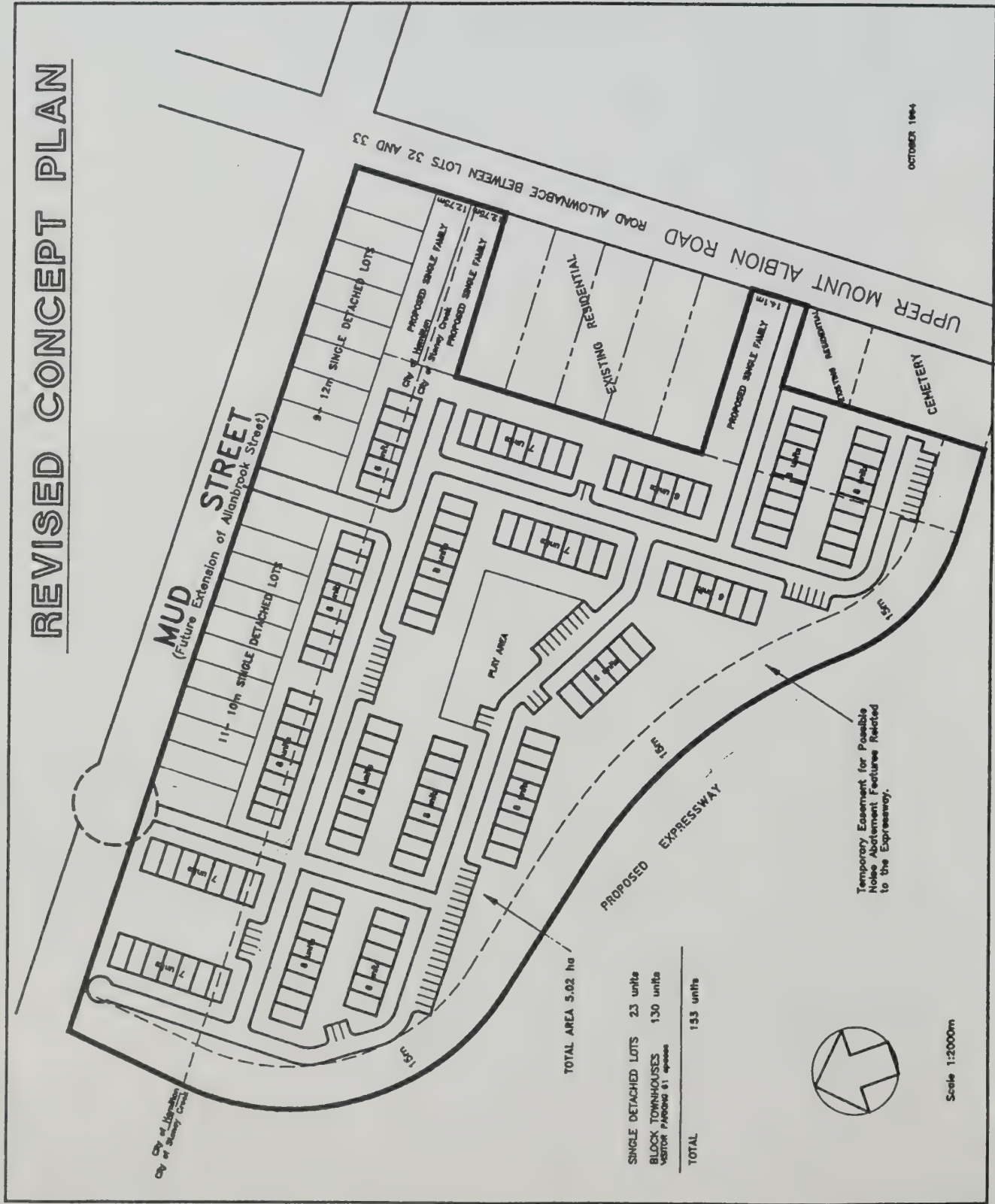
JOHN P. MOUNENS, O.L.S.-1908

ASHENHURST MOUNENS LIMITED
Professional Engineers & Ontario Land Surveyors
200-241 VICTORIA PARKWAY
MARKHAM, ONTARIO L3R 3G3
(416) 947-4300
FAX (416) 947-4301

DATE	BY	REVISION	FILE NO.	REVISION	FILE NO.

Attachment 'C'

REVISED CONCEPT PLAN



OCTOBER 1994

Temporary Easement for Possible Noise Abatement Features Related to the Expressway.

TOTAL AREA 5.02 ha	
SINGLE DETACHED LOTS	23 units
BLOCK TOWNHOUSES	130 units
VISITOR PARKING 61 spaces	
TOTAL	153 units

Scale 1:2000m

Redhill Vista Draft Plan
of Subdivision (25T-88021)

DRAFT PLAN OF SUBDIVISION

REVISED DECEMBER 1993

BEING PART OF LOT 33, CONCESSION 7
FORMERLY IN THE TOWNSHIP OF SALTFLEET
NOW IN THE CITY OF HAMILTON,
AND IN THE CITY OF STONEY CREEK
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



SURVEYOR'S CERTIFICATE

I hereby certify that the map to be filed and intended to be used for the purpose of subdividing the land described in the plan is a true and correct copy of the original plan as shown to me by the owner or his agent, and that the same has been examined and found to be correct and in accordance with the provisions of the Act.

Dec 14 1993
DATE
James J. McNamee
ONARIO LAND SURVEYOR

OWNER'S CERTIFICATE

I hereby certify that the map to be filed and intended to be used for the purpose of subdividing the land described in the plan is a true and correct copy of the original plan as shown to me by the owner or his agent, and that the same has been examined and found to be correct and in accordance with the provisions of the Act.

Dec 14 1993
DATE
James J. McNamee
ONARIO LAND SURVEYOR

INFORMATION REQUIRED PURSUANT TO
SECTION 51(2) OF THE PLANNING ACT
R.S.O. 1990, c. P.13

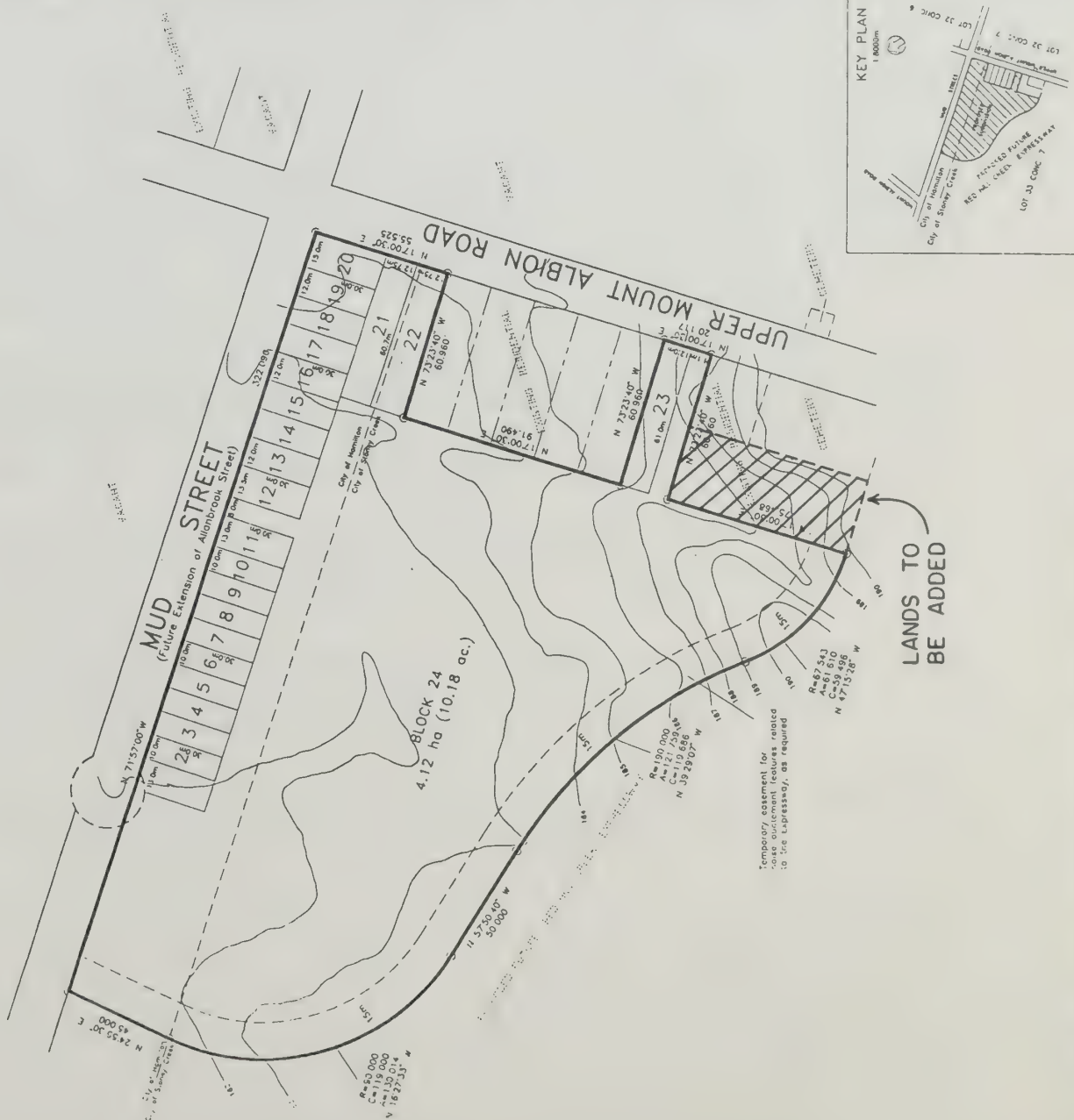
- (a) See Plan
- (b) See Plan
- (c) See Plan
- (d) See Plan
- (e) See Plan
- (f) See Plan

DESIGN AND LAND USE SCHEDULE

USE	APL
Single Family Residential	APL 1
Block Development	APL 2
TOTAL	5.02 ha



JAMES J. MCNAMEE
ONARIO LAND SURVEYOR
1988-1993



5

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 24
(PLC-H-94-4)

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

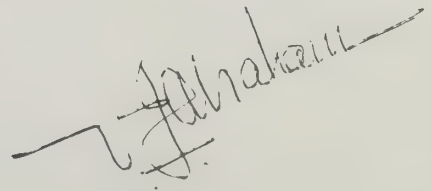
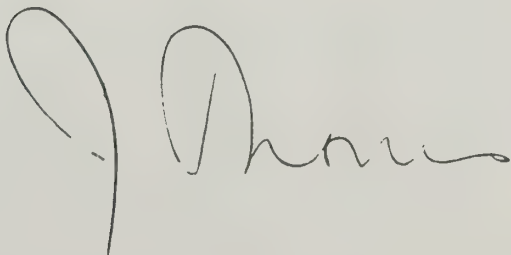
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

Mr. V. J. Abraham
Director of Local Planning

SUBJECT: Application to remove part-lot control
"Claudette Gardens, Phase 5" subdivision

RECOMMENDATION:

- a) That the request of Mr. David A. Elliot, Solicitor for 800064 Ontario Inc. (A. DiSilvestro, President) owners, to establish maintenance easements by removing part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, 62M-760, be approved;
- b) That the attached by-law to remove part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and
- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:Proposal

The applicant, Mr. David A. Elliot, Solicitor for 800064 Ontario Inc. (A. DiSilvestro, President) owners is proposing to establish maintenance easements for 24 small lots by temporarily removing part-lot control (Attachment "A").

Location

The lands are located on Claudette Gate and Adele Court in the Falkirk East Neighbourhood.

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

In this case, the applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance easements for the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

[illegible]

CLAUDETTE GATTE

CLAN 62R-1308.
62R-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2

C L A U D E T T E G A T E

PAPER STREETS - 1, SECTION 820-780

BLOCK 33

LYNNETTE DRIVE

A D E L E

COURT

PAROLE STAFFS - 4 SECTION 620-700

BLOCK 32

G A R T H S T R E E T

SURVEYOR'S CERTIFICATE

U.S. DEPT. OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.

NOTE

10. The following table shows the number of people who attended the concert in each of the five years from 1990 to 1994.

METRIC NOTE:
DISTANCE GIVEN IN METERS MAY BE
METERS AND CAN BE CONVERTED TO FEET
BY DIVING BY 0.3048

Answer: 1699

13 July

J.F. WOOLLEY SURVEYING
161 REGINA STREET, HAMILTON, ONTARIO
L8P 1B3 PHONE (905)-521-0648 FAX 521-1682

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

**To Remove
Land within the Claudette Gardens, Phase 5 Subdivision, Plan 62M-760
from Part Lot Control**

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, within Registered Plan Number 62M-760, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED

this day of

A.D. 1994.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1994.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

6

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 25

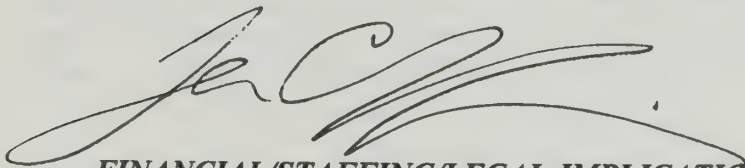
REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Canadian Mental Health Association (94.2.4.2.1.A)

RECOMMENDATION:

1. That the City of Hamilton terminate the joint rehabilitation loan programme approved in 1986 with the Canadian Mental Health Association (C.M.H.A.). Funding for the programme was provided by the Ministry of Health to C.M.H.A., and was administered, at their request, by the Building Department; and,
2. That the remaining funds of approximately \$279,158. be returned to C.M.H.A. in order that they may implement a project with the Good Shepherd and further that on January 1, each year the money collected on repayment be returned to C.M.H.A.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Health in 1986 announced an incentive programme for owners of long care homes housing ex-psychiatric patients. A problem had been identified by the Canadian Mental Health Association that owners of these facilities were reluctant to provide access for social workers in order for them to deliver social programmes to the residents. The Ministry's programme provided money for owners of such facilities for rehabilitation provided they signed contracts with C.M.H.A. allowing them access.

The terms of the loan programme also required that the majority of the beds in a home had to be occupied by ex-psychiatric patients and the maximum loan was \$7,000. per bed and/or \$50,000. The loan rate was 6% and amortized over 15 years. C.M.H.A. approached the City to assist them as they had absolutely no experience or expertise in administering rehabilitation loan programmes nor did they have any mechanisms established for collection. C.M.H.A. received \$325,000. from the Province of Ontario through the Ministry of Health.

The Department realized this was an excellent opportunity to undertake the needed rehabilitation in these types of rental units. It was also especially important at the time as it tied into the City's Task Force on Second Level Lodging Homes. The homes targeted under the Ministry of Health's programme were licensed municipally under this By-law.

During the initial years, 1986-87, the Department was able to rehabilitate buildings containing 68 beds at a total cost to the programme of approximately \$175,000.

In 1988 the Ministry of Housing announced that the Provincial Low Rise Programme had extended its eligibility criteria to include those licensed under the City's Second Level Lodging Homes By-law. This rental housing programme provided substantial grants with no repayment provisions. The Department, for obvious reasons, utilized this programme whenever possible as it reduced our administrative costs and provided the owners with greater assistance. There was also no requirement regarding type of occupancy (i.e. ex-psychiatric).

As an added City requirement, we stipulated that owners of these homes had to sign an Access Agreement with C.M.H.A. as a condition of the grant if they had, as residents, C.M.H.A. clients. The Provincial Low Rise Programme existed for five years and over 1.5 million dollars was spent on Rooming Houses. The Department also personally contacted, by phone and letter, every owner of a licensed Second Level Lodging Home. We are convinced that everyone who wanted to apply did receive assistance.

As a result, the funds provided by the Ministry of Health to C.M.H.A. have remained in Treasury and the City continues to collect repayments. As of 1994 November 15 the City has cash on hand of \$279,158.16 and approximately \$68,088.31 remaining to be collected.

The Department, has over the last few months, been talking with C.M.H.A. and they have indicated that they could use the money to create additional units through conversion of existing vacant residential areas. The first project is a partnership arrangement with the Good Shepherd for the creation of five or six units on Barton Street in a building owned by the Good Shepherd. The project would be supervised by C.M.H.A. while the Building Department would provide expertise regarding the zoning and building code requirements. The actual responsibility for disbursements of funds and administration would be between C.M.H.A. and the Good Shepherd.

It must be stressed that this money was initially designated for C.M.H.A. and the City acted as loan administrator, based on the terms established by C.M.H.A. and Ministry of Health.

The Building Department believes it is in the best interests of the City to close the Trust Account and return the funds to C.M.H.A. This will reduce our administration costs and yet allow the money to be spent in the community to meet the social goals and the intent of the original programme. The City also will see the rehabilitation and conversion of under utilized buildings and at the same time be able to monitor and ensure compliance with existing codes and By-laws.

The Department, therefore, recommends that City Council direct the City Treasurer to close the Trust Account and return the \$279,158.16 to the Canadian Mental Health Association. In addition, the City should return on January 1 of each year the balance of the amount collected from repayments to C.M.H.A.

LCK/JHR/dc

CITY OF HAMILTON

NOV 10 1994

- RECOMMENDATION -

7

DATE: 1994 November 4

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len C. King, P. Eng.
Building Commissioner

SUBJECT: Fee for Roofing Permit (94.2.4.2.1.A, By-law 93-167)

RECOMMENDATION:

That By-Law 93-167 to authorize building permits and fees be amended by deleting item 3 from Schedule "A" (Permit for re-shingling of roof for single family dwelling - \$75.00)


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At the Planning and Development Committee meeting in August this year, Alderman Wilson inquired as to why a permit fee of \$75. is needed for simple re-roofing work for single family dwellings. Subsequent to the Planning and Development Committee meeting, this Department had a meeting with representatives from the Hamilton Construction Association and the roofing industry. At that meeting, they raised the same question regarding roofing permits. In order to resolve this issue, last month this Department decided to conduct a survey and contact the following municipalities to find out how many of them do require permits for simple re-roofing jobs:

- | | |
|------------------------|---------------|
| • City of Toronto | • Brampton |
| • Scarborough | • Mississauga |
| • Borough of East York | • Oshawa |
| • Etobicoke | • Vaughan |
| • Oakville | • Ottawa |
| • North York | • York |

From the responses of these municipalities, we found out that none of them required permits for simple re-roofing jobs on any type of building unless some structural changes were made to the roofing system, i.e. the roof was changed from a flat roof to a sloped roof, or the roof supporting members were altered.

Based on the results of the above-noted survey, this Department has decided that in order to be consistent with other municipalities, no building permit will be required for simple re-roofing jobs on any type of building, unless some structural changes were made to the existing roofing system, or the existing roof system was altered.

We believe this new policy will be welcomed by the general public and the roofing industry.

WKW/zr

CITY OF HAMILTON

- RECOMMENDATION -

8

DATE: 1994 December 1

REPORT TO: Ms. Charlene Touzel, Secretary
Planning and Development Committee

FROM: D. Lobo,
Director of Public Works

M. Main,
Director of Traffic Services

SUBJECT: Westdale Village Business Improvement Area -
Redevelopment of Traffic Islands located on the north
& south sides of King St. West between Paisley Avenue
& Marion Avenue into Planting Islands.

RECOMMENDATION:

D. Lobo

Murray F. Main

1. That staff be authorized to proceed with the Westdale Village B.I.A.'s request for the development of the traffic islands located on the north & south sides of King St. W. between Paisley & Marion Avenues for implementation under the 1994 Commercial Improvement Programme. A cost of \$18,000., is to be recovered from account #CF 5698 428705003, recognizing that the other costs associated with the implementation of this project amount to \$35,469.
2. That the remaining cost of \$35,469. be referred to the Transport & Environment Committee for its approval.

BACKGROUND:

At its meeting held 1994 October 25, City Council passed Item 2 of the Fourteenth Report of the Transport and Environment Committee which states:

- "2. That the Westdale Village B.I.A.'s proposal for re-routing pedestrian traffic to the north and south sidewalks on King Street between Marion Avenue and Paisley Avenue by removing and relocating the existing crosswalk lines and negating pedestrian traffic from the parking meter islands by converting them to garden areas, as well as the implementation of the proposed angle parking

as outlined in Appendix "A" attached hereto, be approved and implemented on a six-month trial basis and that the Director of Traffic Services be directed to report back on the implications of this action after the six-month trial period."

A report was subsequently forwarded to the Planning and Development Committee to seek approval to utilize \$18,000. of the Westdale Village B.I.A.'s Commercial Improvement Programme funds towards the development of the islands. At its meeting held 1994 November 2, the Planning and Development Committee tabled the recommendation and requested that staff provide more information on all expenditures (including maintenance implications) associated with the island development.

There are several phases involved in the implementation of this project. Due to the time required for the necessary by-law and Ministry of Transportation approvals, as well as the fact that we are about to enter unfavourable weather conditions as a result of the winter season, construction can not commence until the thaw in late April, early May 1995. The total amount of the project amounts to \$53,469. Please refer to the attached Schedule of Work (Appendix A) which outlines required tasks, commencement dates and duration, associated expenditures and funding sources.

The annual cost of planting and maintenance (\$15,012.) will be the responsibility of the Corporation of the City of Hamilton. The maintenance implications for 1995 will be addressed in the 1995 Streets & Sanitation current budget as an adjustment to the 1995 Beautification/Traffic Island (City) account, Centre 60429.

The cost of altering the islands and traffic control devices will be \$18,030.

In the event the six-month trial project proves unsuccessful, the following work will have to be carried out to restore the islands to their original condition and the pedestrian crosswalks to their original locations with an associated cost as follows:

<u>Required Tasks</u>	<u>Associated Cost</u>
1. Reconstruction of the islands to accommodate crosswalks, including removal of trees	\$ 15,600.
2. Paint new crosswalks	\$ 300.
3. Replace traffic signal ped-heads/erect new signs/remove existing crosswalk lines	\$ 2,130.
TOTAL CITY EXPENDITURES	\$ 18,030.
RESULTANT YEARLY MAINTENANCE IMPLICATIONS	\$ 15,012.

ME:me
Attch.

- c.c. Alderman H. Merling, Chairman, Transport & Environment Committee
- c.c. J. Pook, Horticulturist
- c.c. D. Upsdell, Westdale Village B.I.A.
- c.c. P. Baker, Parking Authority
- c.c. B. Hill, Treasury Department
- c.c. K. Christenson, Secretary, Transport & Environment Committee

WESTDALE VILLAGE B.I.A. TRAFFIC ISLAND DEVELOPMENT
SCHEDULE OF WORK

APPENDIX 'A'

Required Task	Proposed Commencement	Estimated Duration	Associated Expenditure	Funding Source
1. Before studies (video taping)	Nov/Dec 1994	1 month	\$ 150.	Traffic Department
2. Approval by-laws to prohibit crossing	Nov/Dec 1994	1 month	\$ 50.	Traffic Department
3. Receiving Ministry of Transportation approval for signal at Marion	Nov/Dec 1994	1 month	\$ 75.	Traffic Department
4. Installation of new wheelchair ramps mid-block (8) & removal of existing wheelchair ramps	May 1995	2-4 weeks	\$ 15,600.	Public Works Department
5. Removal of interlocking brick	May 1995	2-4 weeks	\$ 2,000.	Commercial Improvement Programme
6. Excavation to subgrade (18")	May 1995	2-4 weeks	\$ 3,000.	Commercial Improvement Programme
7. Relocation of parking meters	June 1995	1 week	\$ 3,000.	Parking Authority
8. Installation of irrigation system	June 1995	3-4 days	\$ 4,800.	Commercial Improvement Programme
9. Installation of soil/drainage material	June 1995	1 day	\$ 5,287.	Commercial Improvement Programme
10. Installation of plant material (includes maintenance for remainder of 1995)	June 1995	2 days	\$ 15,012.	Public Works Department - Horticulture (\$2,887. is being utilized from Commercial Improvement Programme for initial installation only)
11. Paint new crosswalks mid-block	June 1995	1 day	\$ 300.	Traffic Department
12. Remove traffic signal ped-heads/erect new signs/remove existing crosswalk lines	June 1995	1 day	\$ 2,130.	Traffic Department
13. Remove/Replace painted parking spaces and revised lot signing	June 1995	2 days	\$ 1,640.	Traffic Department
14. Monitoring during the six month trial period	July 1995	6 months	\$ 425.	Traffic Department

TOTAL EXPENDITURES \$ 53,469.
MINUS COMMITMENT FROM B.I.A. \$ 18,000.
TOTAL CITY EXPENDITURE FOR 1995 \$ 35,469.

**RECURRENT YEARLY MAINTENANCE COSTS \$ 15,012.

9

CITY OF HAMILTON
- RECOMMENDATION -

NOV 11 1994

DATE: 1994 November 9

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Ontario Heritage Act

RECOMMENDATION:

- (a) That City Council reaffirm its endorsement of the proposed legislation regarding The Ontario Heritage Act; and
- (b) That a letter be sent to The Honourable Anne Swarbrick, Minister of Culture, Tourism and Recreation, urging the passing of this legislation with copies being sent to area M.P.P.s.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council, at its meeting held 1992 September 29, approved Section 9 of the Sixteenth Report for 1992 of the Planning and Development Committee as follows:

- 9. (a) That the general proposals put forward by the Minister's Advisory Committee on New Heritage Legislation be strongly supported, particularly in respect to the strengthening and streamlining of the designation process for heritage properties under the Ontario Heritage Act;
- (b) That the two new proposals for the designation process, specifically the priority rating (suggested wording instead of grading requirement) for heritage properties and the possibility of compensation to be paid to the owner of a designated property under special conditions not be supported;

- (c) That the proposed recommendations respecting the expansion of the legislative mandate to include movable heritage, intangible heritage, and heritage facilities be referred to the appropriate municipal Departments and Committees, such as the Hamilton Historical Board, the Department of Culture and Recreation, the Hamilton Library, the Hamilton Art Gallery, etc. for comment;
- (d) That the additional incentives for heritage conservation found in the Ministry's previous review in 1990 entitled "Proposals for Legislation", be supported in the present proposal;
- (e) That the Minister's Advisory Committee on New Heritage Legislation be advised of LACAC's request to have an opportunity to comment further on the policy before it is submitted for final approval; and, when available, on the draft Regulations which will be crucial to the successful implementation of the new heritage legislation.
- (f) That a letter be sent to the Minister's Advisory Committee on New Heritage Legislation advising them of the aforementioned recommendations with a copy being sent to the Association of Municipalities of Ontario.

A letter was sent to the Minister's Advisory Committee (MAC), New Heritage Legislation, to this effect.

A letter from The Honourable Anne Swarbrick, Minister of Culture, Tourism and Recreation dated August 10, 1993, included a draft of the new Ontario Heritage Act and stated her hope that she could introduce a bill based on the draft in the Legislature before the end of 1993.

To date, this legislation has not yet been considered by the Legislature and the Local Architectural Conservation Advisory Committee is now strongly recommending that it be taken forward as soon as possible and passed.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department

10

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 11

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: CN Station, 360 James Street North (241 Stuart Street)
- Designation Recommendation

RECOMMENDATION:

- (a) That approval be given to the "Intent to Designate" the CN Station at 360 James Street North (241 Stuart Street) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked as Appendix "A"; and
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Betty Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The CN Station is currently protected under the Federal Heritage Railway Stations Protection Act but only as long as it remains in federal ownership. An announcement was made at the end of August by the principles of the Splendid Cathay Corporation of their intention to purchase the CN Station; if the sale is completed, the station will lose its protection under the federal legislation.

The proposed designation has been endorsed by the CN Station Citizens Advisory Committee (1993 July 15), LACAC's Research Sub-committee (1994 August 31), and LACAC (1994 September 12). The above recommendation is being put forward at

this time in order to ensure that the building is protected under the Ontario Heritage Act at the time of, or as close as possible to the date of the sale. In the event that the designation by-law is passed by Council before the building is sold, the associated regulations would not come into effect until after the date of sale, at which time the federal designation would cease.

A letter advising CN of LACAC's intent to initiate the designation procedure will be sent.

At the last meeting of the CN Station's Citizens Advisory Committee held 1994 April 21, the Splendid Cathay Corporation (represented by Mr. Winsome Tong and Zimmerman & Associates) made a presentation to explain the proposed adaptive re-use of the CN Station as a retail/office complex to be known as the Pacific Rim Mall. Mr. Wong was invited back as soon as drawings were available; however, he has not yet responded to the Committee's invitation. At the September 18 meeting of LACAC, project architect John Mokrycke briefly described the Splendid Cathay proposal, explaining his client's intention to use only the rear concourse area, which would be enlarged by the addition of wings on either side, and to rent the front section to municipal or provincial government.

The CN Station Citizens Advisory Committee was established to encourage and facilitate the conservation, restoration and appropriate re-use of the CN Station and has held a total of 10 meetings since the first one in June 1993.

att.

c.c. Victor Abraham, Director of Local Planning

Nina Chapple, Architectural Historian, Planning Department

Patrice Noé Johnson, City Solicitor

Len King, Building Commissioner

REASONS FOR DESIGNATION

Canadian National Railway Station (CN) 360 James Street North (241 Stuart Street)

Context

Erected in 1929–31 along Hamilton's oldest rail corridor, the grand CN Station occupies a prominent site at the north–east corner of James and Murray. It effectively anchors the northern edge of the historic James North business district and provides convenient access to the North End residential neighbourhood and west harbourfront via the two contemporary road bridges flanking the station complex. One block to the west on Stuart Street overlooking the CN corridor and waterfront stands another city landmark: the 1850s stone Custom House.

The high visibility of the CN Station stems from the open space surrounding it on all four sides: notably, the original grass–covered plaza in front, which provides an unobstructed view of its impressive Beaux Arts facade. The monumental Doric portico boldly expresses the station's gateway function as a link between cities.

History

The predecessor of the CN Station, built in 1875 for the Great Western Railway and located west of Bay Street, was acquired by the Canadian National Railways in 1923. The construction of the James North station complex and five new bridges over the lowered tracks was initiated to replace the inadequate existing facilities and also to provide a more convenient terminal with improved traffic circulation and freight/ passenger services. Erected during a deep financial depression just as rail freight and passenger traffic was beginning a serious decline, Hamilton's long–awaited new facility rose as a symbol of CNR's early prosperity and optimism. The year of its completion, Canadian National's principal rival, the Toronto, Hamilton and Buffalo Railway, commenced construction of an equally impressive terminal and headquarters building south of the downtown core on Hunter Street East. Increasingly underutilized in recent years, the CN Station continued to serve as a passenger terminal for VIA Rail until 1992 and for GO Transit until 1993, when the building was finally closed. The GO trains, however, continue to use this stop while extensive renovations are in progress to convert the former TH&B Station to the new Hamilton GO Centre, scheduled to open in 1995.

Architecture

The CN complex consists of three main masses: the two–storey station with two lower levels opening onto the south embankment of the rail cut, the concourse extending from the rear of the main floor lobby out over the tracks, and the one–storey express building on the east side at track level. Designed by CNR architect, John Schofield, the Hamilton station represents a relatively late example of Beaux Arts Classicism, distinguished by its restrained elegance. A strong stylistic precedent for the design of major Canadian railway stations in this style was established by Ottawa's Union Station of 1908–10 followed by Toronto's Union Station,

designed in 1913–14 and completed in 1920. Characteristic of the best Beaux–Arts stations, the imposing architectural treatment of both the exterior and interior public areas of the Hamilton terminal is skilfully integrated with a clear axial plan, which accommodates equally well the passenger and operational functions. The main floor was designed for smooth traffic flow from the entrance lobby to the concourse, with services located in the lateral axes. The concourse set at right angles to the main station provided easy access to the trains by means of six stairways (including three ramps on the east side) running parallel to the passenger platforms.

Typical of Beaux–Arts buildings erected in Canada during the early twentieth century, the CN Station displays classically-inspired detailing and rich materials fused with contemporary Canadian motifs. The symmetrical two–storey facade, clad in Queenston limestone, is dominated by a central entrance portico with four massive Doric columns supporting an entablature and pediment. Above the three doorways are ornamental bronze grilles and bas relief stone panels depicting transportation scenes across Canada, carved by Hamilton artist William Oosterhoff. The intermediate wings display incised panels with stylized images of the various modes of transportation while the projecting end pavilions echo the classical treatment of the portico. The two pedimented doorways are flanked by pairs of pilasters supporting an entablature, which encircles the building.

Visitors are drawn by a strong visual axis through the main entrance lobby to the concourse. The stately grandeur of the lobby, featuring a terrazzo floor, marble wainscoting, Ionic half–columns and pilasters, a coffered ceiling, large skylights, bronze grillework and two bronze lanterns, contrasts with the modern simplicity of the concourse: practical glazed brick on the lower walls, exposed steel trusses, unobstructed floor space, and an abundance of direct natural light.

Along with the former Bank of Montreal (1928–9) and the former Hamilton Public Library (1913), the CN Station is one of Hamilton's finest surviving Beaux–Arts Classical buildings. As one of Schofield's most successful station designs, it ranks among Canada's most distinguished early 20th century railway stations of comparable size and has been recognized accordingly through designation under the Federal Heritage Railway Stations Protection Act.

Designated Features

Important to the preservation of the CN Station are:

1. the original features of all four facades of the main building and attached concourse, including the limestone and brick masonry walls; original windows and doors (some of which, including the front entrance doors have been replaced); the pedimented portico; the ornamental stone and bronze work; and the two remaining ramp and stair wells at the north end of the concourse.
2. the original features of the main floor lobby areas (main, ante and check lobbies) and ramp, including the terrazzo flooring, decorative coffered ceilings, marble wainscoting, classical columns and motifs, ornamental bronzework; and the undivided open space of the concourse, with its glazed brick, large windows and visible roof trusses.

12

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 23
(TC-CAP(C))

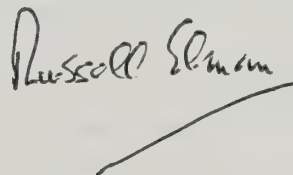
REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Russell Elman
Chairperson
Central Area Plan Implementation Committee

SUBJECT: Accessibility of Public Parks within the Central Area

RECOMMENDATION:

That this report be forwarded to the Parks and Recreation Committee and the West Harbourfront Steering Committee for action.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of October 14, 1994, the Central Area Plan Implementation Committee discussed accessibility of public parks within the Central Area. The issue arose from concerns raised by Committee Members with respect to the use of Harbourfront and Pier 4 Parks for Special Events, at which times the parks were closed to the public.

The Committee's discussion focused on four areas: accessibility of public parks; parking relative to special events; charges related to the use of parks for special events; the development of policies and guidelines relative to special events in parks; and, the establishment of linkages between the Harbour and the CBD . Each of the issues is discussed briefly in the following paragraphs, along with the consensus reached by CAPIC Members on the issue.

- Public Access

Harbourfront and Pier 4 Parks are new parks to the City and have had one full summer season of use. The location of the parks, along with their view and access to the Harbour, have made the parks desirable for a public perspective as well as from the perspective of the organization seeking to utilize a park for a special event.

During this past summer, several special events were held in both Harbourfront and Pier 4 Parks which resulted in both parks being closed to the public. CAPIC Members have concerns that the popularity of both parks for use for special events will limit the accessibility of the parks to the general public. Most special events are held during weekends, when the parks are most popular for use by the general public. It is the consensus of CAPIC Members that the parks should have public access as their paramount use and special events should be considered secondary.

- Parking

Currently, special events within Harbourfront and Pier 4 parks utilize Eastwood Parks for parking purposes. This is of concern, as Eastwood Park, during special events, would be the sole park in the area which is not closed for the special event. With the use of Eastwood Park for parking, there are no parks within the North End Neighbourhoods available to the public. It is the position of CAPIC Members that Eastwood Park should not be utilized for parking for special events. Rather, options such as parking at off-site parking lots (such as shopping malls) with HSR transit should be utilized to provide parking and transit for special events while at the same time maintaining access of some park space for residents.

- Charges for Special Events in Parks

The City charges an applicant a fee of \$125 for the use of a park for a special event. The City is responsible for maintenance of the park after the event including repairs to any vegetation, park equipment/furniture, and grassed areas. It is apparent that the charge does not reflect the actual cost to the City in terms of maintenance of the park after the event. CAPIC Members recommend a review of the charging policy relative to special events in parks so that the City bears no net cost as a result of a special event.

- Guidelines for Use of Parks for Special Events

This past summer was the first in which both Harbourfront Park and Pier 4 Park were available for special events. The popularity of both parks is evident. At this time, it would be appropriate to review the use of the parks by the public and by special event organizers to determine policies and guidelines respecting the use of the parks for special events. These policies should specify the criteria for determining whether or not a special event is appropriate for Harbourfront and Pier 4 Parks. The policies and guidelines should be developed in consultation with the public, including residents of the area and festival/special events organizers.

- Establishment of Linkages to the Central Business District

Downtown Hamilton has been the focus of much municipal interest of late, including the Mayor's Initiatives on Downtown. Other projects include the Central/Beasley Neighbourhood Plan Reviews, the revitalization of Ferguson Avenue, and CAPIC's own work in implementing the Central Area Plan. Linkages between downtown Hamilton and the Harbour would strengthen both areas. CAPIC will continue to work on establishing linkages to the Harbour from the Central Business District in its own work as well as encouraging other initiatives to implement this policy.

CONCLUSION:

On the basis of the foregoing, it would be appropriate to refer this report to the West Harbourfront Steering Committee for implementation as many of the issues raised in reference to public access to parks are within that Committee's mandate to implement.

MLT/

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 December 7

9:30 o'clock a.m.

Room 233, City Hall

A G E N D A

A. ADOPTION OF MINUTES

Minutes of the Planning and Development Committee for its meeting held 1994 November 2

B. BUILDING COMMISSIONER

- (i) Hamilton Emergency Loan Programme - 27 Mill Street
- (ii) Hamilton Emergency Loan Programme - 200 Lynbrook Drive
- (iii) Hamilton Emergency Loan Programme - 313 Cranbrook Drive
- (iv) Hamilton Emergency Loan Programme - 76 Robins Avenue
- (v) Hamilton Emergency Loan Programme - 304 Vansitmart Avenue
- (vi) City of Hamilton Heritage Programme - 124 MacNab Street South
- (vii) City of Hamilton Heritage Programme - 126 MacNab Street South
- (viii) City of Hamilton Heritage Programme - 112 Aberdeen Avenue
- (vix) Demolition Permit - 452 Burlington Street East
- (x) Demolition Permit - 574 Burlington Street East
- (xi) Demolition Permit - 192 Gage Avenue South

- (xii) Demolition Permit - 194 Gage Avenue South
- (xiii) Demolition Permit - 196 Gage Avenue South
- (xiv) Demolition Permit - 52 Holly Avenue
- (xv) Demolition Permit - 537 Wentworth Street North

C. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1994 November 2
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were Present:

Alderman Don Drury, Chairperson
Alderman Fred Eisenberger, Vice-Chairperson
Mayor Robert M. Morrow
Alderman William McCulloch
Alderman Mary Kiss
Alderman Bob Charters
Alderman Dave Wilson
Alderman Henry Merling
Alderman Frank D'Amico

A

Also Present:

Alderman Tom Jackson
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Peter Lampman, Building Department
Bill Janssen, Planning Department
John Robinson, Building Department
Art Zuidema, Law Department
Eugene Chajka, Transportation/Environmental Services
Roland Karl, Traffic Department
Willie Wong, Building Department
John Sakala, Planning Department
Brian Allick, Building Department
Charlene Touzel, Secretary

PUBLIC MEETINGS

9:30 O'CLOCK A.M.

1. Zoning Application 94-20, Primecan Holdings Inc., prospective owner, for a change in zoning from "AA" District to "C" District, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent.

The Committee was in receipt of a report dated 1994 October 20 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application ZAC-94-20, Primecan Holdings Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of the subject lands, in conjunction with the lands to the north, for single-family detached dwellings, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That the Director of Local Planning be directed to prepare a by-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor and Zoning District Map E-9B for presentation to City Council; and,

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. Zoning Application 94-25, N. Janjic and G. Kugler, owners, for a further modification to the established "H" District regulations, for lands located at 295-303 York Boulevard.

The Committee was in receipt of a report dated 1994 October 24 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Ned Janjic, owner of the property, appeared before the Committee to request that the Committee permit a billiard hall at 303 York Boulevard on a permanent basis.

The Committee was in receipt of a letter dated 1994 October 18 from Danica Popic, 505-151 Queen Street North, expressing her objection to the zoning application.

The Committee was also in receipt of several letters of support from citizens that presently use this facility.

Mr. Doug MacPherson, 151 Queen Street North was also in attendance and expressed his concern that this billiard hall is not accessible to persons in wheelchairs and asked that this issue be addressed in the future.

After considerable discussion, the Committee did not support staff's recommendation to deny the zoning application on a permanent basis, but approved the following:

That approval be given to Zoning Application 94-25, Ned Janjic and Gerda Kugler, owners, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a billiard room on the second floor of the existing building, for lands located at No. 303 York Boulevard, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law Nos. 83-192 and 94-008 applicable to the subject lands, be further modified, to include the following variance as a special requirement:
 - (i) Notwithstanding Section 14(1) of By-law No. 6593, a billiard room shall be permitted only on the second floor of the existing building; and,
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-831b, and that the subject lands on Zoning District Map W-12 be notated S-831b; and,
- (c) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
- (d) That the proposed further modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Further to the above, the Committee also approved the following:

- (a) That the Planning and Development Department be directed to report back to the Planning and Development Committee on the Department's planning approach and restrictions to billiard halls; and,
- (b) That the concerns regarding access for the disabled to publicly used buildings be referred to the Barrier Free Design Sub-Committee for review.

3. DELEGATION

Control Access Gate - Taco Bell, Main Street West and Dundurn Street location
Michael Tucker, 75 Dundurn Street South

The Committee was in receipt of a letter dated 1994 September 28 from McCarthy Tétraut Barristers and Solicitors advising that their client, Taco Bell Canada, cannot agree to provide a control access gate at its Main Street West and Dundurn Street location as requested by the Planning and Development Committee.

Mr. Michael Tucker, 75 Dundurn Street South, was in attendance to express his concerns respecting this matter.

The Committee then adjourned to meet *in camera* to discuss this matter further.

The Committee reconvened in open session and approved the following:

That the Law Department, in consultation with the Traffic Department, Planning and Development Department and Transportation/Environmental Services Group be requested to report back to the Planning and Development Committee at its next meeting with potential solutions to resolve the ongoing problem with respect to the public laneway/control access gate at this location.

Mayor Morrow asked that his office be kept informed of all actions taken with respect to this matter.

COMMISSIONER OF PLANNING AND DEVELOPMENT/DIRECTOR OF LOCAL
PLANNING

4. Albion Falls Modified Neighbourhood Plan Review - Authorization for a Public
Information Meeting

The Committee was in receipt of a report dated 1994 October 26 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Alderman Charters advised Committee Members that a few of the residents from the area are in attendance and wish to speak on this matter.

Mr. Ed Doyle, 36 Mud Street, appeared before the Committee and expressed his concerns respecting the Albion Falls Modified Neighbourhood Plan Report. Mr. Doyle indicated that the property owners in the area want the City to either purchase their properties or have them serviced given that they have been living in this area on unserviced lots for a number of years. Concerns were also raised by Mr. Doyle that one of the residents in the area has not been notified of Public Meetings in the past and wanted to make sure that all property owners are notified of the upcoming Public Information Meeting.

Alderman Jackson raised concerns that the Health Department was not contacted and suggested that before the Planning and Development Department goes to a public meeting that comments be received from the Health Department on this situation.

After considerable discussion, the Committee approved the following:

- (a) That the Albion Falls Modified Neighbourhood Plan Review Report dated 1994 October as prepared by the Regional Municipality of Hamilton Wentworth, Planning and Development Department, Local Planning Branch, be received for information; and,
- (b) That the Planning and Development Department be authorized to hold a public information meeting to discuss and provide input on options contained in the report; and,
- (c) That the Health Department be consulted and asked to comment on the Albion Falls Modified Neighbourhood Plan Review report before the Public Meeting; and ,
- (d) That the Planning and Development Department notify all property owners in the study area, including Mr. Field at 142 Mud Street, of the Public Information Meeting.

Victor Abraham, Director of Local Planning, advised Committee Members that the Public Information Meeting will be scheduled in 1994 November and that staff will report back to the Planning and Development Committee at the 1994 December or 1995 January meeting.

5. Site Plan Control Application DA-93-29, D.J. Woods and Petro Canada Products, Lessee, to amend approved plans for an existing gas bar and car wash, for lands located at 999 Upper Wentworth Street

The Committee was in receipt of a report dated 1994 October 25 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

Alderman Merling raised concerns that the intersection at Upper Wentworth Street and Limeridge Road is already a busy intersection and with the expressway being built immediately south of this intersection, was concerned that a right turn lane only into the gas bar would create serious traffic problems in the area.

Don Woods and Jim Metcalfe, representing Petro Canada, were in attendance and asked for the Committee's support with respect to the Site Plan Control Application. Committee Members were advised by Mr. Woods that the lease on the existing property expires in 1997 April and without improvements to the site the lease will not be renewed. Mr. Woods added that Petro Canada is very interested in improving access for vehicular traffic to make it easier for customers to get in and out of the gas station.

After considerable discussion, the Committee did not support staff's recommendation respecting the Site Plan Application and approved the following:

That Site Plan Control Application DA-93-29 to amend approved plans for an existing gas bar and car wash at 999 Upper Wentworth Street not be approved given traffic concerns in the area.

Added report - Site Plan Control Application DA-94-18 for a ten-bed Residential Care Facility at 135 Forest Avenue

The Committee was in receipt of an added report dated 1994 October 28 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above-noted matter.

After some discussion, the Committee approved the following:

That approval be given to Site Plan Control Application DA-94-18 by Community Adolescent Network of Hamilton, owner of lands known as 135 Forest Avenue, for a ten bed residential care facility, subject to the following:

- (a) modification to plans in relation to notes and dimensions as marked in red on the plans; and,
- (b) clarification of the required side yard calculation adjacent to the north property line, to the satisfaction of the Building Commissioner; and,
- (c) submission of a revised grading plan to the satisfaction of the Director of Development, Roads Department.

6. BUILDING COMMISSIONER/LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(a) Demolition of 68 King Street East (Victoria Hall)

The Committee was in receipt of a report dated 1994 October 17 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized and directed to refuse to issue the demolition permit for 68 King Street East pursuant to the provisions of the Ontario Heritage Act.

(b) Victoria Hall, 68 King Street East - 180-day Delay of Demolition

The Committee was in receipt of a report dated 1994 October 13 from the Secretary of the Local Architectural Conservation Advisory Committee respecting the above-noted matter.

The Committee approved the following:

- (a) That the 180-day delay of demolition be applied to the designated property at 68 King Street East (Victoria Hall) in accordance with the provisions of Section 34 of the Ontario Heritage Act and that the City Solicitor be authorized and directed to take the necessary action; and,
- (b) That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that Victoria Hall be evaluated for recognition as a National Historic Site.

BUILDING COMMISSIONER

7. **Hamilton Disabled Programme - Amend Conditions for Eligibility**

The Committee was in receipt of a report dated 1994 October 18 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the conditions for eligibility for the Hamilton Disabled Programme be amended to provide loan assistance to owner/occupants of residential properties previously eligible for the Provincial Government's Ontario Home Renewal Programme - Disabled.

8. **Property Standards By-law No. 74-74 - Amendments**

The Committee was in receipt of a report dated 1994 October 26 from the Building Commissioner respecting the above-noted matter.

Brian Allick, Building Department, was in attendance to provide an overview of the consolidated Property Standards By-law.

After considerable discussion the Committee approved the following:

- (a) That a By-law to consolidate By-law No. 74-74, the Property Standards By-Law, be enacted by City Council; and,
- (b) That By-law No. 74-74 passed on 1974 April 30 in accordance with the Planning Act, R.S.O. 1990, Chapter 13, be repealed.

9. **CASH-IN-LIEU OF PARKING COMMITTEE**

Cash-in-Lieu of Parking - 957 - 1009 Fennell Avenue East

The Committee was in receipt of a report dated 1994 October 21 from the Chairman of the Cash-in-Lieu of Parking Committee respecting the above-noted matter.

The Committee approved the following:

That the request by River Dell Holdings Limited for a refund of a portion of the cash-in-lieu parking payment made under a cash-in-lieu parking agreement for 957- 1009 Fennell Avenue East be denied.

10. **CONSENT AGENDA**

A. **ADOPTION OF MINUTES**

The Committee was in receipt of the Minutes of the Planning and Development Committee for its meeting held 1994 October 19 and these Minutes were adopted as circulated.

B. BUILDING COMMISSIONER

(i) Demolition of 94 Ward Avenue

The Committee was in receipt of a report dated 1994 October 21 from the Building Commissioner respecting the demolition of 94 Ward Avenue. Committee Members were advised that this report should have been for 98 Ward Avenue and a revised report dated 1994 November 1 from the Building Commissioner was circulated for the Committee's approval.

Alderman Kiss expressed her concerns respecting the demolition of this building. It was felt that because a number of buildings in the area have recently been demolished, and that a study is presently underway respecting monster homes in the area, that this demolition permit should not be approved.

Given the above, the Committee approved the following:

That the Building Commissioner be directed to not issue a demolition permit for 98 Ward Avenue.

(ii) Demolition of 1158 Upper Wentworth Street

The Committee was in receipt of a report dated 1994 October 21 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 1158 Upper Wentworth Street.

(iii) Hamilton Emergency Loan Programme - 202 East 23rd Street

The Committee was in receipt of a report dated 1994 October 21 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty five dollars (\$1,725.) be approved for Irene Tonks, 202 East 23rd Street. The interest rate will be 8 per cent amortized over 5 years.

(iv) Hamilton Emergency Loan Programme - 9 Hope Avenue

The Committee was in receipt of a report dated 1994 October 21 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and ninety-five dollars (\$395.) be approved for Brenda Lockhart, 9 Hope Avenue. The interest rate will be 8 per cent amortized over 5 years.

(v) City of Hamilton Heritage Programme - 111 Charles Street

The Committee was in receipt of a report dated 1994 October 27 from the Building Commissioner respecting the above-noted matter.

The Committee approved the following:

That the Building Department, Loans Division, be directed to process a loan under the Community Heritage Trust Fund Loan to Rickey George Nelson and Susan Shannon Nelson, 111 Charles Street, in the amount of nine thousand, six hundred dollars (\$9,600.) at 3 1/2 percent interest amortized over a ten year period.

C. ACTING DIRECTOR, PUBLIC WORKS DEPARTMENT

(a) International Village Community Improvement Plan - Commercial Loan Programs

The Committee was in receipt of a report dated 1994 October 25 from the Acting Director of Public Works respecting the above-noted matter.

The Committee approved the following:

- (a) That the Community Improvement Plan for the International Village Business Improvement Area (B.I.A.), attached hereto and marked as APPENDIX "C", be adopted in order to implement the Commercial Loan Programs; and,
- (b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
- (c) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law.

(b) Downtown Hamilton Community Improvement Plan - Commercial Loan Programs

The Committee was in receipt of a report dated 1994 October 25 from the Acting Director of Public Works respecting the above-noted matter.

The Committee approved the following:

- (a) That the Community Improvement Plan for the Downtown Hamilton Business Improvement Area (B.I.A.), attached hereto and marked as APPENDIX "D", be adopted in order to implement the Commercial Loan Programs; and,
- (b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
- (c) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law.

(c) Westdale Business Improvement Area - Commercial Improvement Program -Requests for 1994

The Committee was in receipt of a report dated 1994 October 27 from the Acting Director of Public Works respecting the above-noted matter.

The Committee agreed to table this report and directed staff to report back on the total costs for the modifications to the traffic islands and the changes to the pedestrian crosswalks in the Westdale Village Business Improvement Area.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee was in receipt of a report dated 1994 October 26 from the Secretary, Planning and Development Committee, respecting the above-noted matter.

The Committee approved the following:

The following Information Item which has been previously forwarded to the Committee under separate cover be received for information purposes:

- (a) Information Report dated 1994 October 24 from the Commissioner of Planning and Development and the Director of Local Planning respecting approved Site Plan Control Applications.

11. OTHER BUSINESS

Authorization of Staff to attend OMB Hearings re: Appeals from Committee of Adjustment Decisions

Staff brought this matter to the Committee's attention and the Committee approved the following:

That the appropriate staff (ie. Law Department, Planning Department) be authorized to attend the following Ontario Municipal Board Hearings respecting appeals from Committee of Adjustment decisions:

- (a) Application No. A-94:167 - 43 Albemarle Street; and,
- (b) Application No. A-94:164 - 96 McElroy Road East

12. ADJOURNMENT

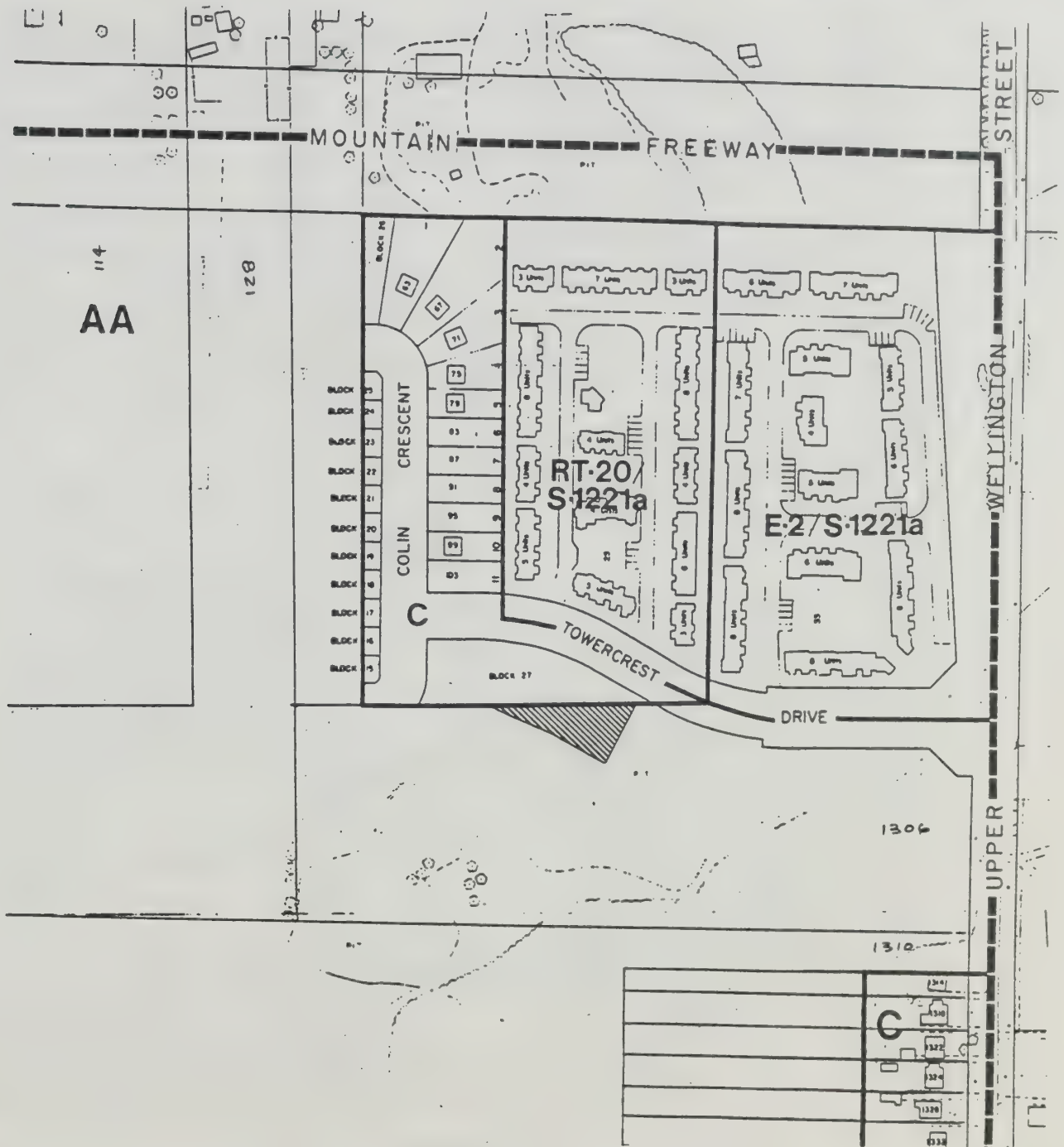
There being no further business, the meeting then adjourned.

Taken as read and approved,

**Alderman Don Drury, Chairperson
Planning and Development Committee**

Charlene Touzel
Secretary

Appendix "A" as referred to in
Item 1 of the Minutes of the
Planning & Development Comm.
for 1994 November 2

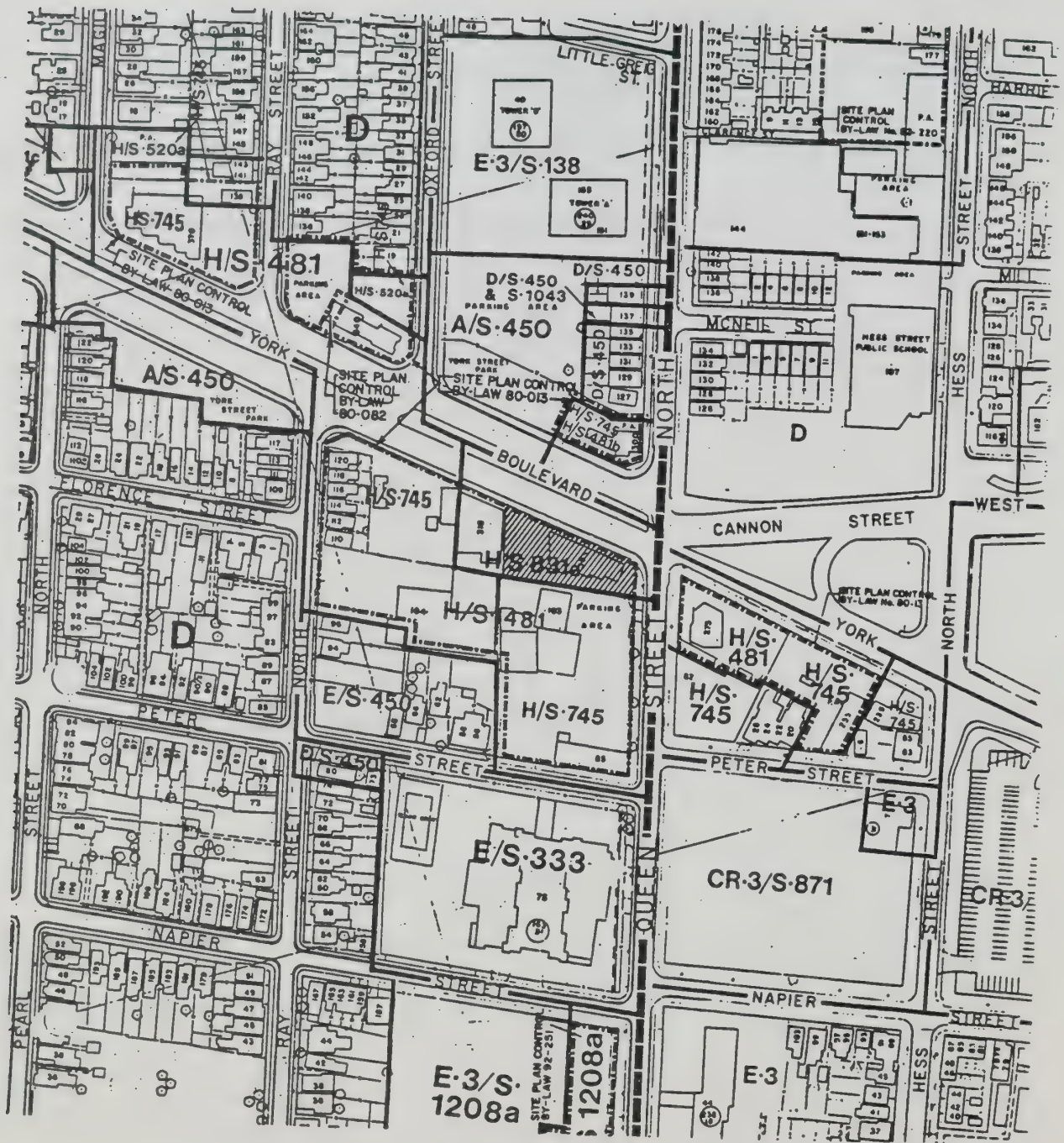


Legend



Site of the Application

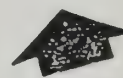
ZAC-94-20



Legend



Site of the Application



ZAR-94-25

Appendix "C" as referred to in
Item 10, C (a) of the Minutes of
the Planning & Development
Comm. for 1994 November 2

THE INTERNATIONAL VILLAGE

COMMUNITY IMPROVEMENT PLAN

1994 OCTOBER

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PLAN

PURPOSE:

TO ESTABLISH A PLAN FOR THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL LOAN PROGRAMS.

PREFACE:

THE FOLLOWING PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA WHICH WILL ALSO BE DESIGNATED BY BY-LAW, BY HAMILTON CITY COUNCIL.

INTRODUCTION:

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA FALLS WITHIN THE CENTRAL POLICY AREA AS PER THE CITY OF HAMILTON'S OFFICIAL PLAN. ACCORDINGLY, THE AREA IS TO BE PROMOTED AS A MULTI-USE NODE BY CREATING AN ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE, WORK, DO BUSINESS, SHOP OR VISIT. INTERNATIONAL VILLAGE IS A MAJOR COMMERCIAL AREA WITHIN THE CENTRAL POLICY AREA. IN AN EFFORT TO ENERGIZE AND REVITALIZE THE AREA, THE CITY OF HAMILTON HAS UNDERTAKEN IMPROVEMENTS TO THE STREETScape SUCH AS, BUT NOT LIMITED TO, INTERLOCKING BRICK, IMPROVED LIGHTING, INSTALLATION OF BENCHES, ETC. ANOTHER IMPORTANT ASPECT OF IMPROVING THE VISUAL APPEARANCE OF THE AREA INVOLVES THE UPGRADING OF EXISTING BUILDING FRONTS AND INTERIORS TO NOT ONLY INCREASE THE ATTRACTIVENESS OF THE AREA, BUT ALSO PROVIDE A TOOL FOR MERCHANTS TO IMPROVE THEIR COMMERCIAL IMAGES. SINCE THE AGE OF THE EXISTING BUILDINGS RANGE FROM NINETY TO SIXTY YEARS OLD, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS AND TENANTS OF BUILDINGS TO RENOVATE VIA LOANS ADMINISTERED UNDER THE COMMERCIAL LOAN PROGRAMS.

COMMERCIAL LOAN PROGRAM

IN A REPORT SUBMITTED BY THE PUBLIC WORKS DEPARTMENT (NEE COMMUNITY DEVELOPMENT DEPARTMENT) DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF THE COMMERCIAL FACADE LOAN PROGRAM. SUBSEQUENTLY CITY COUNCIL AT ITS MEETING HELD 1986 JUNE 24 GAVE THE DEPARTMENT OF PUBLIC WORKS (NEE COMMUNITY DEVELOPMENT) AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAM BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE. FURTHERMORE, ON 1993 JANUARY 12, CITY COUNCIL APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL LOAN PROGRAM FOR THE UPGRADING OF THE INTERIOR OF COMMERCIAL BUILDINGS LOCATED WITHIN BUSINESS IMPROVEMENT AREAS. THE FUNDS FOR THE NEW PROGRAM WERE COMBINED WITH THE EXISTING COMMERCIAL FACADE LOAN PROGRAM FUNDS AND THE PROGRAM WAS RENAMED THE "COMMERCIAL LOAN PROGRAM".

THE INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1990, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL LOAN PROGRAM TO BE IMPLEMENTED. THE PROGRAM IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS AND TENANTS FOR REHABILITATION AND IMPROVEMENTS TO COMMERCIAL PROPERTIES LOCATED IN (B.I.A'S). A LOW INTEREST LOAN COVERING 100% OF THE ELIGIBLE EXTERIOR IMPROVEMENT COSTS TO A MAXIMUM OF \$15,000. PER MUNICIPAL ADDRESS IS AVAILABLE. IN ADDITION THE OWNER OF REAL PROPERTY MAY ALSO OBTAIN AN ADDITIONAL \$10,000. LOAN FOR INTERIOR IMPROVEMENTS. IN CASES WHERE AN OWNER OWNS SEVERAL PROPERTIES WITHIN A B.I.A. THE MAXIMUM ANY ONE OWNER CAN OBTAIN IS \$45,000. FOR THE EXTERIOR, AND \$30,000. FOR INTERIOR WORK. OWNERS OF BUSINESSES WHO DO NOT OWN ANY REAL PROPERTY MAY BORROW A MAXIMUM OF \$2,000. FOR MODIFICATIONS OR IMPROVEMENTS.

THE INTEREST RATE ON THE LOAN IS ONE-HALF OF THE PRIME INTEREST RATE AT THE BANK OF COMMERCE ON THE DATE THE LOAN AGREEMENT IS SIGNED.

THE LOAN IS AMORTIZED OVER A MAXIMUM OF 10 YEARS AND SECURED BY A LIEN REGISTERED ON TITLE AND/OR A PROMISSORY NOTE.

THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL LOAN PROGRAM GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, AREA OF IMPLEMENTATION.

CONCLUSION:

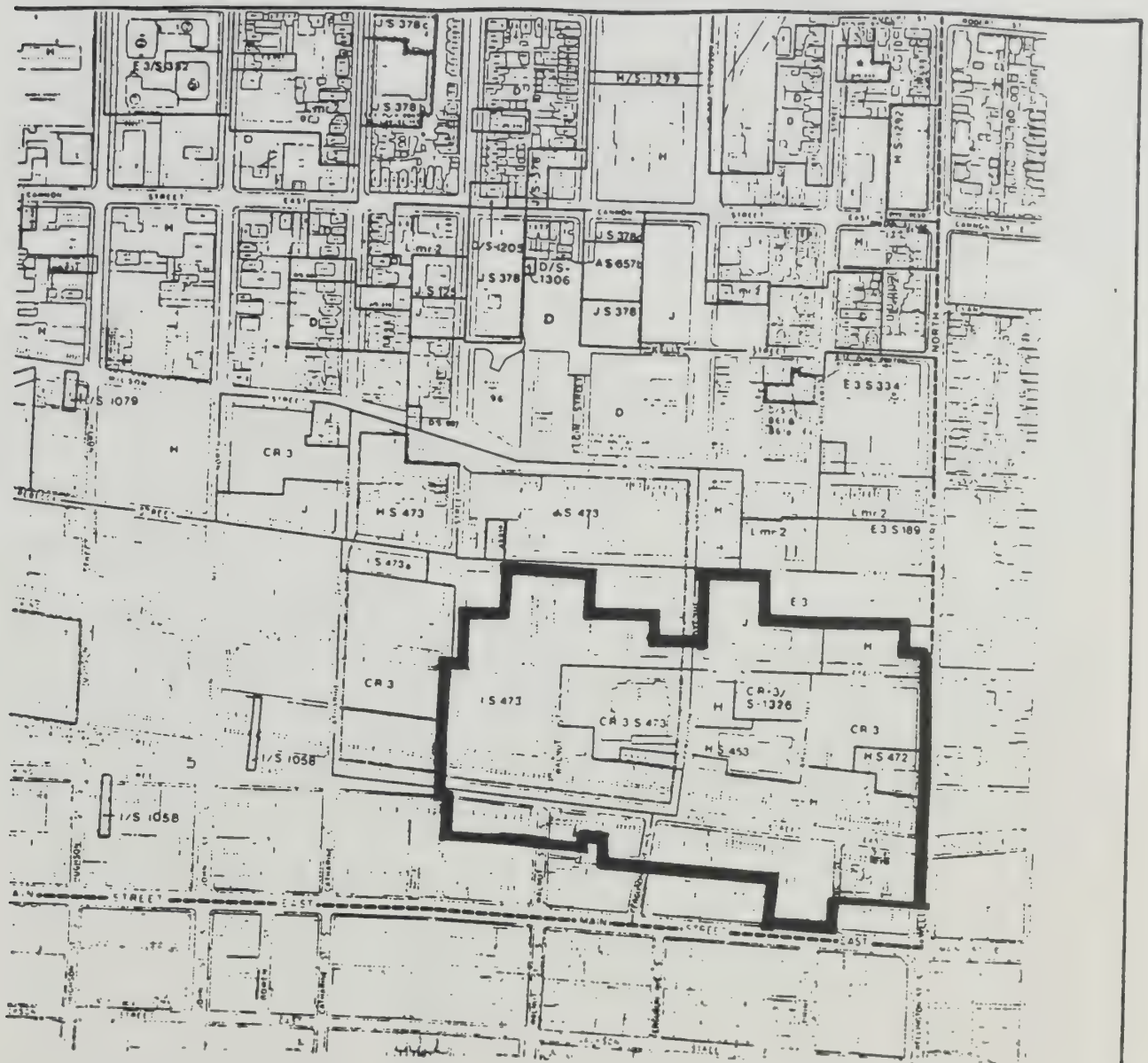
THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FACADES AND INTERIORS, RATHER THAN LARGE SCALE REDEVELOPMENT.

COMMERCIAL LOAN PROGRAM

GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S)
- LOANS AT AN INTEREST RATE OF ONE-HALF OF THE CITY'S PRIME BORROWING RATE
- MAXIMUM LOAN AMOUNT \$15,000. PER PROPERTY OWNER FOR EXTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$10,000. PER PROPERTY OWNER FOR INTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$2,000. PER BUSINESS OPERATOR THAT DOES NOT OWN REAL PROPERTY
- MAXIMUM LOAN ANY ONE OWNER OF SEVERAL PROPERTIES WITHIN A B.I.A. CAN OBTAIN IS \$45,000. EXTERIOR, AND \$30,000 INTERIOR
- LOAN AMORTIZED OVER TEN YEARS (OPEN)
- BUILDING ENVELOPE TO BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES CORRECTED, BEFORE OPTIONAL IMPROVMENTS DETERMINED BY OWNER OR OPERATOR.
- IMPROVEMENTS ELIGIBLE INCLUDE: RE-ROOFING; REPAINTING; REPOINTING MASONRY OR BRICKWORK; REPAIRING CORNICES AND OTHER ARCHITECTURAL DETAILS; REDESIGNED STORE FRONTS; REMOVAL OF INAPPROPRIATE SIGNAGE; INSTALLATION OF APPROPRIATE NEW SIGNAGE; WINDOW REPAIR AND RESTORATION; RESTORATION OF ORIGINAL FACADE APPEARANCE; CANOPIES AND AWNINGS; INTERIOR FIXTURES, INCLUDING PARTITIONS; INTERIOR DECORATING INCLUDING LIGHTING, PAINTING, WALLPAPER; "BUILT-IN" SHOWCASES, FREEZERS, SPECIAL PLUMBING; INTERIOR SIGNAGE, ETC.
- PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, SOLICITORS, ETC. ARE AN ELIGIBLE EXPENSE.
- LOAN REPAID ON MONTHLY BASIS. NO PENALTY APPLIED FOR FULL PAYMENT BEFORE THE TERM OF LOAN.
- LOAN MAY BE TRANSFERRED TO A NEW OWNER PROVIDING THE NEW OWNER MEETS AND AGREES TO THE TERMS AND CONDITIONS OF THE LOAN (THIS APPROVAL MUST BE REQUESTED IN WRITING AND WILL BE CONFIRMED IN WRITING BY THE CITY).
- APPLICANT MUST BE THE REGISTERED OWNER OF THE COMMERCIAL PROPERTY
- OWNERS' OR TENANTS' TAXES AND B.I.A. LEVIES MUST BE CURRENT

- LOANS MUST BE RECOMMENDED BY THE B.I.A. BOARD AND APPROVED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL
- NO RESTRICTIONS ON DEMOLITIONS EXCEPT THAT ANY OUTSTANDING LOANS MUST BE REPAID TO THE MUNICIPALITY. BUILDINGS THAT ARE DESIGNATED UNDER THE HERITAGE ACT MAY HAVE MORE RESTRICTIONS APPLIED
- LOAN COMMITMENTS ARE VALID FOR ONE YEAR AND EXPIRE IF THE WORK IS NOT COMPLETED WITHIN THAT TIME PERIOD
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAM AFTER ORIGINAL CAPITAL BUDGET ALLOCATION
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS
- OWNER TO OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR EXTERIOR AND INTERIOR IMPROVEMENTS (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION)
- LOAN APPLICATION REVIEWED BY BUILDING DEPARTMENT, LOANS DIVISION WITH INPUT FROM THE B.I.A. BOARD, AND IN CASES OF HERITAGE BUILDINGS, THE CITY'S PLANNING DEPARTMENT
- REPORT SENT TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL RECOMMENDING APPROVAL OF LOAN
- LOAN COMMITMENT PROVIDED IN WRITING. ONLY AT THAT TIME CAN WORK BEING FUNDED COMMENCE
- PROGRESS PAYMENT MAY BE REQUESTED AND ISSUED AFTER INSPECTION AND CONFIRMATION WORK COMPLETED AS PER THE ONTARIO BUILDING CODE



APPENDIX 'B'

All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<p>107/104 69 21 10 95 41 31 125</p> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>	<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p>
<p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department or The Regional Municipality of Hamilton-Wentworth</p>	<p>0 100m SCALE 30m</p> <p>6703</p> <p>10</p>

Appendix "D" as referred to in
Item 10, C (b) of the Minutes of
the Planning & Development
Comm. for 1994 November 2

THE DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1994 OCTOBER

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN.

PURPOSE:

TO ESTABLISH A PLAN FOR THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL LOAN PROGRAMS.

PREFACE:

THE FOLLOWING PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA WHICH WILL ALSO BE DESIGNATED BY BY-LAW, BY HAMILTON CITY COUNCIL.

INTRODUCTION:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA FALLS WITHIN THE CENTRAL POLICY AREA AS PER THE CITY OF HAMILTON'S OFFICIAL PLAN. ACCORDINGLY, THE AREA IS TO BE PROMOTED AS A MULTI-USE NODE BY CREATING AN ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE, WORK, DO BUSINESS, SHOP OR VISIT. DOWNTOWN HAMILTON IS A MAJOR COMMERCIAL AREA WITHIN THE CENTRAL POLICY AREA. IN AN EFFORT TO ENERGIZE AND REVITALIZE THE AREA, THE CITY OF HAMILTON HAS UNDERTAKEN IMPROVEMENTS TO THE STREETScape SUCH AS, BUT NOT LIMITED TO, INTERLOCKING BRICK, IMPROVED LIGHTING, INSTALLATION OF BENCHES, ETC. ANOTHER IMPORTANT ASPECT OF IMPROVING THE VISUAL APPEARANCE OF THE AREA INVOLVES THE UPGRADING OF EXISTING BUILDING FRONTS AND INTERIORS TO NOT ONLY INCREASE THE ATTRACTIVENESS OF THE AREA, BUT ALSO PROVIDE A TOOL FOR MERCHANTS TO IMPROVE THEIR COMMERCIAL IMAGES. SINCE THE AGE OF THE EXISTING BUILDINGS RANGE FROM ONE HUNDRED AND THIRTY YEARS OLD TO SEVENTY YEARS OLD, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS AND TENANTS OF BUILDINGS TO RENOVATE VIA LOANS ADMINISTERED UNDER THE COMMERCIAL LOAN PROGRAMS.

COMMERCIAL LOAN PROGRAM

IN A REPORT SUBMITTED BY THE PUBLIC WORKS DEPARTMENT (NEE COMMUNITY DEVELOPMENT DEPARTMENT) DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF THE COMMERCIAL FACADE LOAN PROGRAM. SUBSEQUENTLY CITY COUNCIL AT ITS MEETING HELD 1986 JUNE 24 GAVE THE DEPARTMENT OF PUBLIC WORKS (NEE COMMUNITY DEVELOPMENT) AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAM BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE. FURTHERMORE, ON 1993 JANUARY 12, CITY COUNCIL APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL LOAN PROGRAM FOR THE UPGRADING OF THE INTERIOR OF COMMERCIAL BUILDINGS LOCATED WITHIN BUSINESS IMPROVEMENT AREAS. THE FUNDS FOR THE NEW PROGRAM WERE COMBINED WITH THE EXISTING COMMERCIAL FACADE LOAN PROGRAM FUNDS AND THE PROGRAM WAS RENAMED THE "COMMERCIAL LOAN PROGRAM".

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.) DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1990, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL LOAN PROGRAM TO BE IMPLEMENTED. THE PROGRAM IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS AND TENANTS FOR REHABILITATION AND IMPROVEMENTS TO COMMERCIAL PROPERTIES LOCATED IN (B.I.A.'S). A LOW INTEREST LOAN COVERING 100% OF THE ELIGIBLE EXTERIOR IMPROVEMENT COSTS TO A MAXIMUM OF \$15,000. PER MUNICIPAL ADDRESS IS AVAILABLE. IN ADDITION THE OWNER OF REAL PROPERTY MAY ALSO OBTAIN AN ADDITIONAL \$10,000. LOAN FOR INTERIOR IMPROVEMENTS. IN CASES WHERE AN OWNER OWNS SEVERAL PROPERTIES WITHIN A B.I.A. THE MAXIMUM ANY ONE OWNER CAN OBTAIN IS \$45,000. FOR THE EXTERIOR, AND \$30,000. FOR INTERIOR WORK. OWNERS OF BUSINESSES WHO DO NOT OWN ANY REAL PROPERTY MAY BORROW A MAXIMUM OF \$2,000. FOR MODIFICATIONS OR IMPROVEMENTS.

THE INTEREST RATE ON THE LOAN IS ONE-HALF OF THE PRIME INTEREST RATE AT THE BANK OF COMMERCE ON THE DATE THE LOAN AGREEMENT IS SIGNED.

THE LOAN IS AMORTIZED OVER A MAXIMUM OF 10 YEARS AND SECURED BY A LIEN REGISTERED ON TITLE AND/OR A PROMISSORY NOTE.

THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL LOAN PROGRAM GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, AREA OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FACADES AND INTERIORS, RATHER THAN LARGE SCALE REDEVELOPMENT.

COMMERCIAL LOAN PROGRAM

GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S)
- LOANS AT AN INTEREST RATE OF ONE-HALF OF THE CITY'S PRIME BORROWING RATE
- MAXIMUM LOAN AMOUNT \$15,000. PER PROPERTY OWNER FOR EXTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$10,000. PER PROPERTY OWNER FOR INTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$2,000. PER BUSINESS OPERATOR THAT DOES NOT OWN REAL PROPERTY
- MAXIMUM LOAN ANY ONE OWNER OF SEVERAL PROPERTIES WITHIN A B.I.A. CAN OBTAIN IS \$45,000. EXTERIOR, AND \$30,000 INTERIOR
- LOAN AMORTIZED OVER TEN YEARS (OPEN)
- BUILDING ENVELOPE TO BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES CORRECTED, BEFORE OPTIONAL IMPROVEMENTS DETERMINED BY OWNER OR OPERATOR.
- IMPROVEMENTS ELIGIBLE INCLUDE: RE-ROOFING; REPAINTING; REPOINTING MASONRY OR BRICKWORK; REPAIRING CORNICES AND OTHER ARCHITECTURAL DETAILS; REDESIGNED STORE FRONTS; REMOVAL OF INAPPROPRIATE SIGNAGE; INSTALLATION OF APPROPRIATE NEW SIGNAGE; WINDOW REPAIR AND RESTORATION; RESTORATION OF ORIGINAL FACADE APPEARANCE; CANOPIES AND AWNINGS; INTERIOR FIXTURES, INCLUDING PARTITIONS; INTERIOR DECORATING INCLUDING LIGHTING, PAINTING, WALLPAPER; "BUILT-IN" SHOWCASES, FREEZERS, SPECIAL PLUMBING; INTERIOR SIGNAGE, ETC.
- PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, SOLICITORS, ETC. ARE AN ELIGIBLE EXPENSE)
- LOAN REPAYED ON MONTHLY BASIS. NO PENALTY APPLIED FOR FULL PAYMENT BEFORE THE TERM OF LOAN.
- LOAN MAY BE TRANSFERRED TO A NEW OWNER PROVIDING THE NEW OWNER MEETS AND AGREES TO THE TERMS AND CONDITIONS OF THE LOAN (THIS APPROVAL MUST BE REQUESTED IN WRITING AND WILL BE CONFIRMED IN WRITING BY THE CITY).
- APPLICANT MUST BE THE REGISTERED OWNER OF THE COMMERCIAL PROPERTY
- OWNERS' OR TENANTS' TAXES AND B.I.A. LEVIES MUST BE CURRENT

- LOANS MUST BE RECOMMENDED BY THE B.I.A. BOARD AND APPROVED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL
- NO RESTRICTIONS ON DEMOLITIONS EXCEPT THAT ANY OUTSTANDING LOANS MUST BE REPAYED TO THE MUNICIPALITY. BUILDINGS THAT ARE DESIGNATED UNDER THE HERITAGE ACT MAY HAVE MORE RESTRICTIONS APPLIED
- LOAN COMMITMENTS ARE VALID FOR ONE YEAR AND EXPIRE IF THE WORK IS NOT COMPLETED WITHIN THAT TIME PERIOD
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAM AFTER ORIGINAL CAPITAL BUDGET ALLOCATION
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS
- OWNER TO OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR EXTERIOR AND INTERIOR IMPROVEMENTS (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION)
- LOAN APPLICATION REVIEWED BY BUILDING DEPARTMENT, LOANS DIVISION WITH INPUT FROM THE B.I.A. BOARD, AND IN CASES OF HERITAGE BUILDINGS, THE CITY'S PLANNING DEPARTMENT
- REPORT SENT TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL RECOMMENDING APPROVAL OF LOAN
- LOAN COMMITMENT PROVIDED IN WRITING. ONLY AT THAT TIME CAN WORK BEING FUNDED COMMENCE
- PROGRESS PAYMENT MAY BE REQUESTED AND ISSUED AFTER INSPECTION AND CONFIRMATION WORK COMPLETED AS PER THE ONTARIO BUILDING CODE

B(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 November 24

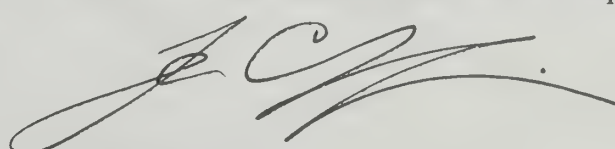
REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
27 Mill Street (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and sixty-one dollars (\$961.) be approved for Mary Facca, 27 Mill Street. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mary Facca, 27 Mill Street in the amount of \$961. The roof has been repaired, and the Department recommends approval in the amount of \$961. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury
M. Mascarenhas, Building Department

CITY OF HAMILTON
- RECOMMENDATION -

B(ii)

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
200 Lynbrook Drive (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-one dollars (\$1,391.) be approved for Benito and Clara Capitanio, 200 Lynbrook, Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing, or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Capitanio, 200 Lynbrook Drive in the amount of \$1,391. The roof has been repaired, and the Department recommends approval in the amount of \$1,391. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury
M. Mascarenhas, Building Department

B(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 November 24


REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
313 Cranbrook Drive, (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Sills and Victoria Thomas, 313 Cranbrook Drive. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Mr. and Mrs. Thomas, 313 Cranbrook Drive in the amount of \$2,000. The foundation wall has been repaired, and the Department recommends approval in the amount of \$2,000. at 8% interest and amortized over five (5) years.

LCK/MM/dc

c.c. R. Camani, Treasury
M. Mascarenhas, Building Department

CITY OF HAMILTON
- RECOMMENDATION -

B(iv)

DATE: 1994 November 21

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
76 Robins Avenue (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred dollars (\$1,400.) be approved for Gladys Wilkinson, 76 Robins Avenue. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Gladys Wilkinson, 76 Robins Avenue, in the amount of \$1,400. The front porch been repaired, and the Department recommends approval in the amount of \$1,400. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

BC(v)

DATE: 1994 November 21

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme (H.E.L.P.)
304 Vansitmart Avenue (94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Ann Larocque, 304 Vansitmart Avenue. The interest rate will be 8 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized an Emergency Loan for Ann Larocque, 304 Vansitmart Avenue in the amount of \$2,000. The furnace been repaired, and the Department recommends approval in the amount of \$2,000. at 8% interest and amortized over five (5) years.

LCK/JHR/dc

c.c. R. Camani, Treasury

CITY OF HAMILTON
- RECOMMENDATION -

B(vi)

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
124 MacNab Street South (94.2.4.2.1.A)

RECOMMENDATION:

1. That the Building Department, Loans Division be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman and MacNab Terrace Limited for 124 MacNab Street South, in the amount of four thousand, two hundred and sixty-two dollars (\$4,262.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,
2. That the Building Department, Loans Division be directed to process a Designated Property Grant to John Jeffrey Steadman and MacNab Terrace Limited, owner of 124 MacNab Street South, in the amount of four thousand and thirty-eight dollars, (\$4,038.).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Designated Property Grants are funded by the Provincial Ministry of Culture, Tourism and Recreation; the Community Heritage Trust Fund was established by the City and the Province as a municipally administered low interest loan programme; both provide assistance to owners of properties designated under the Provincial Heritage Act. The Provincial Act also permits the designation of Heritage Districts, in one of which this property is located. The MacNab Charles Heritage Conservation District was approved by the O.M.B. on 1992 June 25.

The owner of the property has applied under the terms of the above programmes to effect the replacement of the roof at a cost of \$7,725. by Ancaster Contracting and the pointing of masonry at a cost of \$375. by Bill Clarkson Masonry. As per the terms of the programmes the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates, and is recommending acceptance.

A very similar grant and loan was approved by Council in 1993 August, but it did not proceed because the Province failed to sufficiently fund the Designated Property Grant. Funding for this year's grant has already been advanced to the City by the Province.

The Building Department, therefore, recommends that a Community Heritage Trust Fund Loan in the amount of \$4,262. be approved; the monthly payment will be \$42.15 amortized over a ten year period. The Department also recommends that a Designated Property Grant in the amount of \$4,038. be approved.

LCK/JAG/dc

c.c. R. Camani, Treasury Department
M. Mascarenhas, Building Department

CITY OF HAMILTON
- RECOMMENDATION -

B(vii)

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
126 MacNab Street South (94.2.4.2.1.A)

RECOMMENDATION:

1. That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman for 126 MacNab Street South, in the amount of five thousand and eight-seven dollars (\$5,087.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,
2. That the Building Department, Loans Division, be directed to process a Designated Property Grant to John Jeffrey Steadman, owner of 126 MacNab Street South, in the amount of four thousand, eight hundred and thirty-seven dollars, (\$4,837.).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Designated Property Grants are funded by the Provincial Ministry of Culture, Tourism and Recreation; the Community Heritage Trust Fund was established by the City and the Province as a municipally administered low interest loan programme; both provide assistance to owners of properties designated under the Provincial Heritage Act. The Provincial Act also permits the designation of Heritage Districts, in one of which this property is located. The MacNab Charles Heritage Conservation District was approved by the O.M.B. on 1992 June 25.

The owner of the property has applied under the terms of the above programmes to effect the replacement of the roof at a cost of \$9,350. by Ancaster Contracting and the pointing of masonry at a cost of \$374. by Bill Clarkson Masonry. As per the terms of the programmes the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates, and is recommending acceptance.

A very similar grant and loan was approved by Council in 1993 August, but it did not proceed because the Province failed to sufficiently fund the Designated Property Grant. Funding for this year's grant has already been advanced to the City by the Province.

The Building Department, therefore, recommends that a Community Heritage Trust Fund Loan in the amount of \$5,087. be approved; the monthly payment will be \$50.31 amortized over a ten year period. The Department also recommends that a Designated Property Grant in the amount of \$4,837. be approved.

LCK/JAG/dc

c.c. R. Camani, Treasury Department
M. Mascarenhas, Building Department

CITY OF HAMILTON
- RECOMMENDATION -

B(viii)

NOV 30 1994

DATE: 1994 November 29

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
112 Aberdeen Avenue (94.2.4.2.1.A)

RECOMMENDATION:

1. That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to Keltie Lynn Law, in the amount of two thousand, seven hundred and eighty-nine dollars (\$2,789.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms.
2. That the Building Department, Loans Division, be directed to process a Designated Property Grant to Keltie Lynn Law, owner of 112 Aberdeen Avenue, in the amount of two thousand, five hundred and ninety dollars (\$2,590.).



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Designated Property Grants are funded by the Provincial Ministry of Culture, Tourism and Recreation; the Community Heritage Trust Fund was established by the City and the Province as a municipally administered low interest loan programme; both provide assistance to owners of properties designated under the Provincial Heritage Act; 112 Aberdeen Avenue was designated under the Act on 1989 October 31. The Provincial Act also permits the designation of Heritage Districts.

The owner of the property has applied under the terms of the above programmes to effect the pointing of masonry at a cost of \$5,379. As per the terms of the programmes the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates, and is recommending acceptance.

A very similar grant and loan was approved by Council in 1993 August, but it did not proceed because the Province failed to sufficiently fund the Designated Property Grant. Funding for this year's grant has already been advanced to the City by the Province.

The Building Department, therefore, recommends that a Community Heritage Trust Fund Loan in the amount of \$2,789. be approved; the monthly payment will be \$27.58 amortized over a ten year period. The Department also recommends that a Designated Property Grant in the amount of \$2,590. be approved.

LCK/JAG/dc

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

B(vix)

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
452 BURLINGTON STREET EAST
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 452 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.


FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Map E-11)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Burlington Street Widening Project

BRIEF DESCRIPTION: Owner wishes to demolish the existing 2½ brick dwelling with one storey frame addition as land is required for road widening purposes. No LACAC interest. Lot size 25' x 88'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

✓ SH/zr

B(x)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
574 BURLINGTON STREET EAST
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 574 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Map E-20)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Burlington Street Widening Project

BRIEF DESCRIPTION: Owner wishes to demolish 2 storey frame dwelling as land is required for street widening project. No LACAC interest. Lot size 20' x 66'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

 SH/zr

CITY OF HAMILTON
- RECOMMENDATION -

B(xi)

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
192 GAGE AVENUE SOUTH - Tag Number 93291
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 192 Gage Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E (Map E-34)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: Owner wishes to demolish 2½ storey concrete block single family dwelling to provide a parking lot. No LACAC interest. Lot size 23' x 100'.

The owner of the property as per the demolition permit is:

Taras Shevchenko Non-Profit Housing
190 Gage Avenue South
Hamilton, Ontario

SH/zr

CITY OF HAMILTON
- RECOMMENDATION -

B(xii)

DATE: 1994 November 24

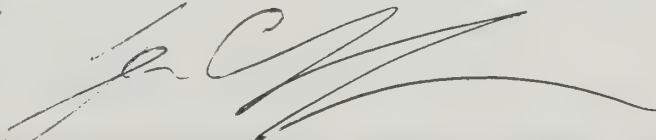
REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
194 GAGE AVENUE SOUTH - Tag Number 93293
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 194 Gage Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E (Map E-34)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: Owner wishes to demolish 2½ storey concrete block house to provide a parking lot. No LACAC interest. Lot size 22' x 100'.

The owner of the property as per the demolition permit is:

Taras Shevchenko Home for the Aged
190 Gage Avenue South
Hamilton, Ontario

SH/zr

CITY OF HAMILTON
- RECOMMENDATION -

B(xiii)

DATE: 1994 November 23

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
196 GAGE AVENUE SOUTH - Tag Number 93292
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 196 Gage Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E (Map E-34)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: Owner wants to demolish 2½ storey concrete block house to provide a parking lot. No LACAC interest. Lot size 21' x 100'.

The owner of the property as per the demolition permit is:

Taras Shevchenko Non-Profit Housing Inc.
190 Gage Avenue South
Hamilton, Ontario

SH/zr

B(xiv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
52 HOLLY AVENUE
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 52 Holly Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-52)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Crown Point East/McAnulty Park Area

BRIEF DESCRIPTION: Owner wishes to demolish existing 2½ storey wood frame house to provide room for park area.

No LACAC interest. Lot size 25' x 100'.

The owner of the property as per the demolition permit is:

The Corporation of the City of Hamilton

SH/zr

B(xv)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 24

REPORT TO: Charlene Touzel, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
537 WENTWORTH STREET NORTH
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 537 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: K/S-727 (Map E-11)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Burlington Street Widening Project

BRIEF DESCRIPTION: Owner wishes to demolish existing 2½ storey brick house with 8' x 12' brick accessory building in rear as land is required for street widening project. No LACAC interest. Lot size 23' x 87'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

C

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 November 30

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- a) Local Architectural Conservation Advisory Committee Minutes - 1994 October 13
- b) Central Area Plan Implementation Committee Minutes - 1994 October 14
- c) Information Report dated 1994 November 28 from the Building Commissioner respecting 1994 Year End Projections - Building Department
- d) Information Report dated 1994 November 22 from the Commissioner of Planning and Development and the Director of Local Planning respecting a Niagara Escarpment Conformity Zoning Exercise
- e) Information Report dated 1994 November 29 from the Commissioner of Planning and Development and the Director of Local Planning respecting Approved Site Plan Control Applications

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that they recorded in the Minutes for future reference.

Charlene Touzel

CITY OF KANSAS

RECOMMENDATION

1994 November 22

Department and Division
Planning and Development Commission

Citywide Planning
Planning and Development Commission

Recommendation

RECOMMENDATION

That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

1. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

2. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

3. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

4. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

5. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

6. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

7. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

8. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.

9. That the Planning Commission report to the City Council on the findings of the Commission on the proposed changes to the Comprehensive Zoning Ordinance.



HAMILTON PUBLIC LIBRARY



3 2022 21334440 7